purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.J. Res. 1263. Joint resolution authorizing the President to proclaim May 5, 1968, as "Chaplains' Sunday"; to the Committee on the Judiciary.

By Mr. ROBISON:

H. Con. Res. 775. Concurrent resolution establishing the Joint Select Committee on Observance of the 50th Anniversary of Armistice Day; to the Committee on Rules.

By Mr. FRIEDEL:

H. Res. 1159. Resolution providing additional compensation for services performed by certain employees in the House Publications Distribution Service; to the Committee on House Administration.

By Mr. DAWSON:

H. Res. 1160. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations; to the Committee on House Administration.

By Mr. RIVERS:

H. Res. 1161. Resolution authorizing the printing of the report entitled "Civilian Advisory Panel on Military Manpower Procurement"; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 17049. A bill for the relief of Paolo DelleGrazie, Antonia DelleGrazie, Paolo DelleGrazie, Jr., Francesco DelleGrazie, and Roseanna DelleGrazie; to the Committee on the Judiciary.

H.R. 17050. A bill for the relief of Antonio Moretti; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 17051. A bill for the relief of Domenico Sbraccia; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 17052. A bill for the relief of Rosalia Mannino; to the Committee on the Judiciary.

H.R. 17053. A bill for the relief of Ignazio Santangelo; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 17054. A bill for the relief of Jose Mendoza Lalined; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 17055. A bill for the relief of Fortunato C. Rana; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 17056. A bill for the relief of Richard W. Hoffman; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 17057. A bill for the relief of Dr. Ruth E. Lavarias; to the Committee on the Judiciary.

H.R. 17058. A bill for the relief of Pedro Lobato; to the Committee on the Judiciary.

H.R. 17059. A bill for the relief of Wong Poon Ming; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 17060. A bill for the relief of Tullio Luigi Beillardini; to the Committee on the Judiciary.

H.R. 17061. A bill for the relief of Antonio Regalbuto, his wife, Maria Regalbuto, and their son, Domenico Regalbuto; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 17062. A bill for the relief of Antonio Randazzo and his wife, Bartola Peraino Randazzo; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 17063. A bill for the relief of Ronald D. Hyers; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 17064. A bill for the relief of Gennaro Guerriero; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 17065. A bill for the relief of Dong Joon Cho; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 17066. A bill for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.; to the Committee on the Judiciary.

By Mr. MAHON:

H.R. 17067. A bill for the relief of Eugene L. Monagin; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 17068. A bill for the relief of Lok Sui Fong; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 17069. A bill for the relief of Antonio Caputo; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 17070. A bill for the relief of Mrs. Basilisa F. Gomez; to the Committee on the Judiciary.

H.R. 17071. A bill for the relief of Daniel Assi Kasid; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 17072. A bill for the relief of Antonio Malheiro Ferreira da Silva; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17073. A bill for the relief of Nouritza Chilingerian Mgrditchian and Jessica Mgrditchian; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 17074. A bill for the relief of Edward Regan; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 17075. A bill for the relief of Dr. Rodrigo L. Jaballas, and his wife, Dr. Elvira Rosca-Jaballas; to the Committee on the Judiciary.

# SENATE—*Monday, May 6, 1968*

The Senate met at 12 noon, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God and Father of mankind who opens the gates of the morning, send us forth with powers of mind and body to front the duties and responsibilities of another day.

In these days, thrilling with the loveliness of spring, we thank Thee for every sacrament of beauty as we bend in wonder by bushes aflame with Thee. May the glory of the earth be but a parable of the things that are excellent, blooming in our risen lives. We bow for the strengthening benediction of our morning prayer.

We turn to Thee, driven by our tension for the present, anxiety about the future, deep concern about ourselves, our Nation, and our world. Heal the divisions which shorten the arm of our national might as we stand at this crossroads of history. Make us tall enough for these testing days.

We ask it in the dear Redeemer's name. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 3, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1083 and 1084.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## MIGRANT HEALTH SERVICES

The Senate proceeded to consider the bill (S. 2688) to extend and otherwise amend certain expiring provisions of the Public Health Service Act for migrant health services, which had been reported from the Committee on Labor and Public Welfare with an amendment on page 1, line 7, after the word "thereof" strike out "not to exceed $9,000,000 for the fiscal year ending June 30, 1968, $13,000,000 for the fiscal year ending June 30, 1969, $15,000,000 for the fiscal year ending June 30, 1970, and $20,000,000 for the fiscal year ending June 30, 1971, and such amounts as may be necessary for each of the two succeeding fiscal years". and, in lieu thereof, insert "not to exceed $9,000,000 for the fiscal year ending June 30, 1968, $9,000,000 for the fiscal year ending June 30, 1969, $15,000,000 for the fiscal year ending June 30, 1970, and $20,000,000 for the fiscal year ending June 30, 1971"; so as to make the bill read:

S. 2688

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 310 of the Public Health Service Act is amended by striking out "not to exceed $7,000,000 for the fiscal year ending June 30, 1966, $8,000,000 for the fiscal year ending June 30, 1967, and $9,000,000 for the fiscal year ending June 30, 1968," and inserting in lieu thereof "not to exceed $9,000,000 for the fiscal year ending June 30, 1968, $9,000,000

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for the fiscal ending June 30, 1969, $15,000,000 for the fiscal year ending June 30, 1970, and $20,000,000 for the fiscal year ending June 30, 1971."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD and excerpt from the report (No. 1101), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BILL

The committee unanimously approved the bill, S. 2688, as amended, to extend the existing migrant health program authorized by the Public Health Service Act, as amended. The bill extends the program for 3 years beyond June 30, 1968, and authorizes appropriations not to exceed $9, $15, and $20 million for fiscal years 1969, 1970, and 1971, respectively.

The migrant health program currently has established, on-going projects serving migrant families in 36 States and Puerto Rico. Participating States and the Federal grant to each in 1967 will be found at page 3 of this report. The local contribution to this effort constitutes 40 percent of total project operating costs, even though the act does not require any specific proportion of local effort.

Established in 1962, and administered by the Surgeon General of the U.S. Public Health Service, the program operates on a grant-in-aid basis to provide financial assistance to States and local communities for essential health services of migratory farmworkers and their families. In addition to States and local communities, the Surgeon General may also make grants to nonprofit agencies, institutions and organizations for paying part of the cost of migrant health services.

HISTORY OF MIGRANT HEALTH PROGRAM

*Legislative*

In 1962 Public Law 87–692 established the Migrant Health Act for a 3-year period. The program, included under title III of the Public Health Service Act, provided health services for the migrant farmworker and his family dependents. Appropriation authorizations were not to exceed $3 million in each of the 3 fiscal years.

The success of the program, and the continuing need, led to enactment of Public Law 89–109 in 1965, which extended for 3 additional years the Migrant Health Act. The scope of the authorized health services was modified to include short-term hospitalization, and funding authorizations were set at $7, $8, and $9 million for fiscal years 1966, 1967, and 1968, respectively.

The legislation, S. 2688, continues the program for 3 years beyond June 30, 1968.

*Background*

Five years ago, health neglect was the rule among the 1 million men, women, and children caught up in the yearly stream of migration that fills the need to harvest our Nation's crops. The neglect was on the part of the migrant himself, and on the part of the communities deriving economic benefit from his labor. The unique problems of migrants were only rarely met by State and local health programs. The migrants' poverty and mobility generally kept them apart from private medical services in rural communities.

The Migrant Health Act was signed into law in September 1962, bringing hope that communities could begin providing migrant workers and their families the conventional health care most American families have long enjoyed and taken for granted.

From the very beginning of the program, and continuing to the present, the application requests for funds have far exceeded the amount of available assistance. Despite this difficulty, energetic, conscientious administration of the program has had the result of reaching the maximum number of migrant farm families relative to the available resources.

By the spring of 1963, 42 applications had been approved and grants awarded to pay part of the cost of health services for migrant farm families. The number of operating projects increased to 94 by January 1967. By January 1, 1968, 115 public or private nonprofit community organizations were using migrant health grants to help provide medical, dental, nursing, hospital, health education, sanitation, and other health services to seasonal migrants. Hundreds of State and local citizens and civic organizations have added resources of their own to the grant funds made available by the Public Health Service.

In many communities, the provision of eyeglasses to migrant children has been a contribution of local community service organizations. While this local effort should certainly be encouraged to the extent possible, it has been necessary for many communities to use migrant health grant funds to assure that such services are made available to the migrants.

State and local health departments, for the most part, have received and managed the mirant health grants. There has also been commendable and noteworthy participation, as sponsors and directors, by nonprofit private groups such as local migrant councils, local governing bodies, hospitals, county medical societies, and schools of medicine.

One or more migrant health projects operate in 36 States and Puerto Rico. Some of these projects, because of local needs, are multicounty in scope. Projects providing personal health care reach about two-fifths (285) of the 726 counties thus far identified as migrant work or home base areas. Sanitation advice and assistance is offered in all of these 285 counties, as well as in an additional 155 counties not providing personal health care.

The number of migrants being served by the program has increased more than threefold since its inception in 1962. Fewer than 100,000 migrants had ready access to health services at some time during the crop season during the first year of the program. This number has now increased to a current estimate of 310,000 migrants. Thus, the Nation has progressed about one-third of the way toward honoring its obligation to provide adequate health services to the migrant population of 1 million or more men, women, and children.

The following table shows the States participating in the migrant health program and the amount of Federal grants to each for 1967:

*Allocations to States for migrant health services*

| | 1967 appropriation |
|---|---|
| Total | $7,200,000 |
| Arizona | 571,072 |
| Arkansas | 19,024 |
| California | 905,573 |
| Colorado | 128,787 |
| Connecticut | 4,317 |
| Delaware | 27,110 |
| Florida | 947,688 |
| Idaho | 16,870 |
| Illinois | 47,241 |
| Indiana | 52,064 |
| Iowa | 30,326 |
| Kansas | $109,526 |
| Kentucky | 13,261 |
| Louisiana | 604 |
| Maryland | 16,369 |
| Massachusetts | 76,309 |
| Michigan | 642,408 |
| Minnesota | 72,344 |
| Missouri | 11,482 |
| Nebraska | 36,968 |
| Nevada | 299,939 |
| New Jersey | 146,271 |
| New Mexico | 217,616 |
| New York | 250,804 |
| North Carolina | 124,325 |
| Ohio | 187,853 |
| Oklahoma | 76,851 |
| Oregon | 419,281 |
| Pennsylvania | 138,385 |
| South Carolina | 64,195 |
| Texas | 1,404,781 |
| Utah | 39,077 |
| Virginia | 102,928 |
| Washington | 133,776 |
| West Virginia | 20,540 |
| Wisconsin | 50,449 |
| Puerto Rico | 63,586 |

In each fiscal year since the program started, the entire amount available for grants has been awarded. Contributions to projects from other sources have had a value of nearly $10 million—40 percent of total project costs. These contributions include the value of contributed services, equipment, facilities and other items essential to project operation.

HEALTH SERVICES ASSISTED BY MIGRANT HEALTH GRANTS

DISTRIBUTION OF GRANT DOLLARS BY TYPE OF SERVICE
1963–67

| Fiscal year | Grant funds available and awarded | Distribution | |
|---|---|---|---|
| | | Personal health care (percent) | Sanitation services (percent) |
| 1963 | $750,000 | 91 | 9 |
| 1964 | 1,500,000 | 91 | 9 |
| 1965 | 2,500,000 | 90 | 10 |
| 1966 | 3,000,000 | 90 | 10 |
| 1967 | 7,200,000 | 90 | 10 |
| Total | 14,950,000 | 90 | 10 |

HEALTH SERVICES OFFERED BY GRANT-ASSISTED MIGRANT HEALTH PROJECTS DURING 1966 AND 1967; ESTIMATED PROJECTIONS FOR 1968

| | 1966 | 1967 | 1968 estimate |
|---|---|---|---|
| Migrants: | | | |
| Total number, United States | 1,000,000 | 1,000,000 | 1,000,000 |
| Number in project areas at some time during year | 250,000 | 300,000 | 310,000 |
| Counties with migrant influx: | | | |
| Total number, United States | 726 | 726 | 726 |
| Number offering grant-assisted services: | | | |
| Personal health and sanitation (combined) | 270 | 280 | 285 |
| Sanitation only | 142 | 150 | 155 |
| Personal health services provided migrants: [1] | | | |
| Medical visits | 165,000 | 215,000 | 216,000 |
| Dental visits | 18,000 | 24,000 | 25,000 |
| Hospital patient days | 0 | 1,500 | 20,000 |
| Nursing visits to camps, etc | 100,000 | 125,000 | 125,000 |
| Sanitary inspections and followup visits | 100,000 | 125,000 | 126,000 |
| Appropriation: | | | |
| Health service support | $3,000,000 | $7,200,000 | $7,200,000 |
| Consultation and program tools | $500,000 | $800,000 | $800,000 |

[1] Health education is potentially a part of every service. Data are not separately reported.

THE NEED FOR EXTENDING THE PROGRAM

This extension legislation has evolved from public hearings and research conducted by the Subcommittee on Migratory Labor. During the hearings on the bill, the subcommittee received testimony from physicians and local administrators having daily working experience with the program. In addition, the subcommittee visited migratory work camps and health projects to make on-the-spot observations. Numerous interviews and consultations were held with migrant families, growers, Federal, State, and local health personnel, and others with firsthand knowledge of the serious health problems confronting our migratory farm families.

The President's National Advisory Commission on Rural Poverty has also conducted a careful study of and made recommendations on the problems to which this legislation is directed. In its report the President's Rural Poverty Commission stated that "nowhere in the United States is the need for health service so acute, and nowhere is it so inadequate" as with the low-income citizens in rural America.

"We have failed miserably to protect the health of low-income people in rural areas. The health service they got is not only inadequate in extent but seriously deficient in quality. It is badly organized, underfinanced, rarely related to the needs of the individual or the family. Such health service as there is too often is discriminatory in terms of race and income and heedless of the dignity of the individual."

The Commission noted that the migrant health projects "have improved the health care of many migrant families," but pointed out that "the program's impact, relative to the problem, is still extremely inadequate."

The Commission expressly recommended "That the Migrant Health Act be renewed in 1968 with sufficient funds to expand the program in terms of geographic coverage and services offered."

The need for expanding geographic coverage is quite clear, for, if migrants are to have continuity of health care and protection, they must have access to health care in every county where they live and work temporarily. Because geographic coverage by project services is still far from complete, a total of 700,000 migrants had no access to personal health care provided through projects in 1967. The remainder had ready access to personal health services for only part of the year.

Only two out of five counties with migrants (285 out of 726) offered grant-assisted personal health care geared to the special needs of migrants during 1967. Only six out of 10 counties with migrants (440 out of 726) offered protection of their living and working environment through sanitation advice with grant assistance.

Lack of continuity of health care will remain a problem as long as many communities have no place to which a migrant can turn and expect to find needed health care.

The need for increased services is shown by the following comparative data that reveal the very low per capita expenditure for health care of migrants. The average per capita health care expenditure in 1967 for our 1 million migrant population was $12 (both Federal and local effort). This compares with an average per capita health care expenditure for Indians of $170.15 and for the total population of $200.

The average per capita health care expenditure for 125,000 migrants actually served in the six States of California, Florida, Michigan, New York, Oregon, and Texas was $36, compared with average per capita health care expenditure for Indians actually served in 1967 of $340.30.

National per capita personal health expenditures are nearly 20 times the per capita expenditures for migrants through grant-assisted projects. Although some health care is purchased by migrants or provided by communities where no grant-assisted project exists, project experience indicates that such care is minimal. As an example, among 459 persons surveyed by a midwestern project, only one out of four had ever visited a dentist. Yet nearly all showed need for dental care. Twenty percent needed emergency dental care.

Even with the improvements in their mortality rates in recent years, migrants still lag far behind the national average. Their infant mortality in 1964 was at the level of the United States as a whole in 1949. Their maternal mortality rate was the same as the national average a decade ago.

The accident mortality rate for migrants in 1964 was nearly three times the U.S. rate. It was 60 percent greater than the U.S. rate 30 years ago. Lesser disparities are shown in the mortality rates for tuberculosis and other infectious diseases and for influenza and pneumonia. The differences are still great, however. Migrants' 1964 mortality from tuberculosis and other infectious diseases was 2½ times the national rate, approximating the national average a dozen years ago. Their mortality from influenza and pneumonia was more than twice the national rate, and slightly in excess of the U.S. rate for 1940.

To gain health status comparable to the national average, migrants must be able to obtain health care at least at the levels achieved by the general population. Medical and dental vists by migrants present in project areas for part of 1967 averaged far below the national average. Furthermore, the acute needs of migrants in project areas suggest that they obtained relatively little care elsewhere.

Comprehensive health service planning provided through recently enacted Public Law 749 shows promise for making improved health care accessible to all citizens. At present, however, many State governments are still in the process of designating planning agencies and making them operative. After these initial steps, these planning agencies must have ample time to work through the multitude of details requisite to establishing a sound framework for new statewide systems of health care.

As the programs for the general population develop, they can be broadened to include services to migrants. It is unrealistic, however, to assume that the complexities of providing migrant health services can immediately be woven into this new fabric. At the present time, there is little evidence of the readiness or, in many cases, the capacity of local communities and States to take full responsibility for health needs of migrants and other low-income seasonal farmworkers.

Until a coherent and concrete pattern emerges for health care of all, migrant health needs should continue to be met by a strengthened separate program that has had such a sound and successful beginning.

The continued existence of State residency barriers constitutes another compelling reason for extending the migrant health program. While some progress in eliminating these barriers has been made, migrants are still excluded from many State health programs which have residence requirements that are impossible for migrants to meet.

In the enactment of title 19, medicaid program, the Congress expressly prohibited durational residency requirements so that assistance would be availabe to any resident within a State. Despite this effort by the Congress, the residence barriers still remain in many States. Some States, for example, have formulated standards based on the individual's intent to become a resident, and obviously the migrant cannot meet this standard except in his home base State. The migrant is also precluded in those States which limit medicaid to recipients of old-age assistance, aid to the blind, aid to families with dependent children, and aid to the permanently and totally disabled, for these programs usually require 1 year of residence for eligibility. And, in some other States, the medicaid program is not yet in existence.

It would be unrealistic to anticipate quick or easy solutions in the removal of these numerous and complex residency barriers. It is, therefore, essential to extend the migrant health program, which contains no residency requirements, for at least the 3 years recommended by the committee's bill. Future review of the residency problem will bear importantly on the questions of whether the States are capable of including migrants in their general health programs or whether Federal participation should be continued.

CONCLUSION

The committee's recommended bill is based on the belief that national leadership and assistance are necessary if migrant workers and their children are to share the conventional health services generally available to other U.S. citizens. In addition to moral and humanitarian considerations, our economy cannot tolerate conditions which leave workers too sick or too disabled to do a full day's work. And we cannot allow migrant children to risk lifelong handicaps because routine, inexpensive preventive and remedial care is not readily available.

COMMITTEE AMENDMENTS

The bill, S. 2688, as introduced provided for a 5-year extension with appropriation authorizations of $13 million, $15 million, and $20 million for the fiscal years ending June 30, 1969, 1970, and 1971, respectively, and such amounts as may be necessary for each of the two succeeding fiscal years. The committee amendment deleted the foregoing and provided in lieu thereof a 3-year extension with appropriation authorizations of $9 million, $15 million, and $20 million for the fiscal years ending June 30, 1969, 1970, and 1971, respectively.

## WHITE HOUSE CONFERENCE ON AGING

The Senate proceeded to consider the joint resolution (S.J. Res. 117) to call a White House Conference on Aging in 1970, which had been reported from the Committee on Labor and Public Welfare with amendments on page 2, line 4, after the word "in" strike out "January"; on page 3, line 6, after the word "and" strike out "agencies" and insert "agencies including the assignment of personnel"; on page 4, line 4, after the word "Aging," insert "and in evaluating and concluding within one year subsequent to the White House Conference, the work of the State with respect to the National and State conferences and related activities,"; in line 9, after the word "than" strike out "$25,000;" and insert "$35,000;" after line 15, insert:

(c) In any State in which there is a State agency established or designated as provided in section 303 of the Older Americans Act of 1965, such State agency shall be given an appropriate opportunity to participate in the activities in the State under this section.

On page 5, line 21, after the word "of" insert "not more than twenty-one"; in line 22, after the word "members" insert "one of whom the Secretary shall designate as Chairman,"; on page 6, line 1, after the word "committees," insert "who are not officers or employees of the United States,"; in line 5, after the word "exceeding" strike out "$50" and insert

"$100"; in line 17, after the word "Samoa," strike out "and"; in the same line after the word "Virgin" strike out "Islands." and insert "Islands, and the Trust Territory of the Pacific Islands."; and after line 19, strike out:

SEC. 6. There is hereby authorized to be appropriated such sums as Congress determines to be necessary for the administration of this joint resolution.

And, in lieu thereof, insert:

SEC. 6. To carry out this Act, there are authorized to be appropriated $2,641,000 for the fiscal year ending June 30, 1969, of which $1,960,000 shall remain available until expended; and $681,000 each for the fiscal years ending June 30, 1970, and June 30, 1971.

So as to make the joint resolution read:

S.J. RES. 117

Whereas the primary responsibility for meeting the challenge and problems of aging is that of the States and communities, all levels of government are involved and must necessarily share responsibility; and it is therefore the policy of the Congress that the Federal Government shall work jointly with the States and their citizens, to develop recommendations and plans for action, consistent with the objectives of this joint resolution, which will serve the purposes of—

(1) assuring middle-aged and older persons equal opportunity with others to engage in gainful employment which they are capable of performing; and

(2) enabling retired persons to enjoy incomes sufficient for health and for participation in family and community life as self-respecting citizens; and

(3) providing housing suited to the needs of older persons and at prices they can afford to pay; and

(4) assisting middle-aged and older persons to make the preparation, develop skills and interests, and find social contacts which will make the gift of added years of life a period of reward and satisfaction; and

(5) stepping up research designed to relieve old age of its burdens of sickness, mental breakdown, and social ostracism; and

Whereas it is essential that in all programs developed for the aging, emphasis should be upon the right and obligation of older persons to free choice and self-help in planning their own futures: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized to call a White House Conference on Aging in 1970 in order to develop recommendations for further research and action in the field of aging, which will further the policies set forth in the preamble of this joint resolution, shall be planned and conducted under the direction of the Secretary who shall have the cooperation and assistance of such other Federal departments and agencies, including the assignment of personnel, as may be appropriate.

(a) For the purpose of arriving at facts and recommendations concerning the utilization of skills, experience, and energies and the improvement of the conditions of our older people, the conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the field of aging, and of the general public including older persons themselves.

(b) A final report of the White House Conference on Aging shall be submitted to the President not later than ninety days following the date on which the conference is called and the findings and recommendations included therein shall be immediately made available to the public.

GRANTS

SEC. 2. (a) There is hereby authorized to be paid to each State which shall submit an application for funds for the exclusive use in planning and conducting a State conference on aging prior to and for the purpose of developing facts and recommendations and preparing a report of the findings for presentation to the White House Conference on Aging, in defraying costs incident to the State's delegates attending the White House Conference on Aging, and in evaluating and concluding, within one year subsequent to the White House Conference, the work of the State with respect to the National and State conferences and related activities, a sum to be determined by the Secretary, but not less than $5,000 nor more than $35,000; such sums to be paid only from funds specifically appropriated for this purpose.

(b) Payment shall be made by the Secretary to an officer designated by the Governor of the State to receive such payment and to assume responsibility for organizing and conducting the State conference.

(c) In any State in which there is a State agency established or designated as provided in section 303 of the Older Americans Act of 1965, such State agency shall be given an appropriate opportunity to participate in the activities in the State under this section.

ADMINISTRATION

SEC. 3. In administering this joint resolution, the Secretary shall—

(a) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate in carrying out the provisions of this joint resolution;

(b) render all reasonable assistance to the States in enabling them to organize and conduct conferences on aging prior to the White House Conference on Aging;

(c) prepare and make available background materials for the use of delegates to the White House Conference as he may deem necessary and shall prepare and distribute such report or reports of the Conference as may be indicated; and

(d) in carrying out the provisions of this joint resolution, engage such additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter 111 of chapter 53 of such title relating to classification and General Schedule pay rates.

ADVISORY COMMITTEES

SEC. 4. The Secretary is authorized and directed to establish an Advisory Committee to the White House Conference on Aging composed of not more than twenty-one professional and public members, one of whom the Secretary shall designate as Chairman, and, as necessary, to establish technical advisory committees to advise and assist in planning and conducting the Conference. Appointed members of such committees, who are not officers or employees of the United States, while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

DEFINITIONS

SEC. 5. For the purposes of this point resolution—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "State" includes the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. To carry out this Act, there are authorized to be appropriated $2,641,000 for the fiscal year ending June 30, 1969, of which $1,960,000 shall remain available until expended; and $681,000 each for the fiscal years ending June 30, 1970, and June 30, 1971.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1102), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

The resolution declares that it is the sense of the Congress that the President of the United States call a White House Conference on Aging in 1970 in order to make recommendations for further action and research in aging and related fields.

Specifically, the resolution—

Directs the Secretary of Health, Education, and Welfare to plan and conduct the Conference with the cooperation and assistance of other appropriate Federal departments and agencies.

Requests that the Conference bring together representatives of Federal, State, and local governments; professional and lay people working in programs and projects related to aging; and the general public, including older persons themselves.

Provides that a final report of the Conference be submitted to the President not later than 90 days following the date on which the Conference is called and the report shall be immediately made available to the public.

Authorizes no less than $5,000 nor more than $35,000 to States submitting applications by an officer designated by the Governor of the State. Such funds will be used for planning and conducting of State conferences on aging, developing facts and recommendations, preparing State reports of findings, defraying State delegates' costs, and performing followup activity. State agencies established or designated in section 303 of the Older Americans Act of 1965 shall be given an appropriate opportunity to participate in the State activities.

Directs the Secretary of Health, Education, and Welfare to request the cooperation and assistance of other appropriate Federal departments and agencies, render assistance to the States, prepare and make available to the White House Conference delegates appropriate materials and reports, and engage necessary additional personnel.

Authorizes and directs the Secretary of Health, Education, and Welfare to establish an advisory committee to the White House Conference on Aging of not more than 21 members, from whom he shall designate a chairman. In addition, technical advisory committees shall be established to advise and assist in planning and conducting the Conference.

Authorizes $2,641,000 for grants and administrative expenses for the fiscal year ending June 30, 1969, and $681,000 each for the fiscal years ending June 30, 1970, and June 30, 1971, the amount authorized for "State" grants is to remain available until expended.

BACKGROUND

Americans now 65 or older number about 19 million, or more than twice as many as 50 years ago and almost 3 million more than a decade ago. As President Johnson said in his 1967 message on aid for the aged, the 65-plus population is equal to the combined population of 20 States; one out of every 10 citizens of our Nation is in this age group. For the future, the prospect is for continued

increases: 20 million by 1970, 21.2 million 5 years after, and 25 million by 1985. Thus, the projections call for the older population to increase by almost 50 percent between 1960 and 1985. By the turn of the century, the total is expected to reach 30 million.

Problems relating to aging, of course, are not limited to those persons who have passed their 65th birthdays. Employment opportunities, for example, are quite often scarce for workers past age 50 or even 45. Much chronic illness begins before age 60. Retirement at ages earlier than is now common appears to be on the increase and is already intensifying problems related to retirement income. In 1968 the number of persons 50 years and older is increasing at the rate of 2,000 a day, or approximately three-quarters of a million persons per year. Those who reach age 50 in the sixties and who become "senior citizens" in the seventies are likely to demand more services, more adequate income, better health resources, and a more satisfying role in society than is now the case.[1]

To help shape national policy, to prepare adequately for economic and social changes that can be expected as more Americans cope with problems or develop new opportunities related to aging, and to make accurate projections of future need, a White House Conference on Aging in 1970—drawing from the recommendations and deliberations resulting from preparatory conferences in the States—is essential. Further, such a conference is needed to assure that future national conferences will be held at roughly 10-year intervals, continuing a trend for which there are already two precedents.

CONFERENCES OF 1950 AND 1961

Significant progress followed in the wake of two earlier conferences. One, called by the Federal Security Administrator at the direction of President Truman in August 1950, helped to generate a rising awareness of the intensifying problems of older people and of the magnitude of the effort that would be required to meet them. The Conference brought together 816 participants from all parts of the country and dealt with 11 broad subject-matter items.

The late John Fogarty, a U.S. Representative from Rhode Island, introduced legislation in 1958 for the White House Conference finally conducted in January 1961. Forty-eight of the States and territories applied for and were granted funds, and 73,000 persons participated in at least 256 regional meetings and approximately 670 county or community meetings. In all, more than 103,000 citizens took an active part in preliminary conferences. For the White House Conference itself, more than 3,324 persons registered to consider 20 subject-matter areas. The Conference resulted in over 600 recommendations and, in the opinion of witnesses who testified on Senate Joint Resolution 117[2] contributed to major legislative achievements in the years since 1961. William Bechill, Commissioner of the U.S. Administration on Aging, gave the following appraisal of progress made within recent years:

[1] Senator Harrison A. Williams, chairman of the U.S. Senate Special Committee on Aging and chief sponsor of S.J. Res. 117, submitted to this committee summaries of testimony taken from sociologists, economists, and others who predict far-reaching changes in the composition and expectations of the aged and aging population of this Nation within the next few decades.

[2] Hearings were conducted by the Special Subcommittee on Aging (Senator Edward M. Kennedy, chairman) of the Senate Committee on Labor and Public Welfare on Mar. 5 and 6, 1968. Excerpts given on the following pages of this report are taken from the transcript of that hearing and from statements submitted for the record.



DEVELOPMENTS SINCE 1961

"It is widely recognized that the White House Conference on Aging of 1961 was an important milestone. Developments in the field of aging have been measured from its recommendations.

"It is a particular tribute to this last Conference that its recommendations were so sweeping and so visionary that many are still pertinent today.

"The report of the White House Conference on Aging of 1961 included over 600 recommendations ranging from needed action to upgrade the position of older people in our society to needed further studies by various levels of government by voluntary organizations, by professions and occupations, by churches, labor, and industry, and by private citizens, including older people themselves."

As the need for another conference is considered, it would be well to consider some of the significant legislative advances that have taken place since 1961.

For example:

After a historical struggle of several years, a dignified system of health insurance for older people has been established with the passage of medicare.

Through amendments made in 1961, 1965, and 1967, social security benefits have been substantially increased and expanded to cover many more older people.

By unanimous vote of the Congress, the Older Americans Act, which created the Administration on Aging, has stimulated a nationwide effort by States and local communities in developing new and expanded opportunities and services for older people in their home communities.

Through a series of amendments made to the National Housing Act in recent years, a serious national effort has been launched to increase the quality and the quantity of appropriate housing for older people.

Major health legislation such as the Cancer, Heart Disease, and Stroke Act, the Community Mental Health Centers Act, and the new partnership for health legislation now provides a better framework than existed before to encourage the orderly development of community health facilities and services for all people, including older people.

To help meet the health needs of all people living in or near a condition of poverty and financial dependency, a single category of medical assistance has been established under the title XIX provisions of the Social Security Act.

The Age Discrimination in Employment Act of 1967 and the Manpower Development and Training Amendments of 1966 lay the basis for improving the employment opportunities available to middle-aged and older workers.

Amendments to the Vocational Rehabilitation Act in 1965 and 1967 have been enacted to assist in the rehabilitation and return to work of additional thousands of handicapped individuals, including older handicapped persons.

Legislation related to improvements in such fields as higher education, adult education, vocational education, and library services can bring increased opportunities for both a more objective understanding of aging as a universal phenomenon in our society and new opportunities for the enrichment of meaningful activities for older people.

And, under the Economic Opportunity Act, a clear mandate is present for the full participation of older people and for the development of various programs and services that would benefit the older poor.

These pieces of major social legislation—many of which are national milestones—illustrate a depth of national commitment and national purpose that few would have conceived possible just a decade ago. They have launched a time of progress without precedent in our national history in Federal, State, and local programs for older people.

Achievements of similar magnitude could be expected in the 1970's if a White House conference provided national visibility to new needs that have arisen since 1961. Only with adequate preparation, however, could a 1970 conference be expected to be productive. Mr. William Fitch, who was staff director for the 1961 conference, testified on the need for a "sense of urgency" in order to provide adequate preconference planning time:

"It is true that it would not be necessary to create an entirely new structure at the Federal and State levels to administer such a program, but experience has documented the advantages of allowing sufficient time for a grassroots buildup toward the State and National Conferences.

"At best, there are certain timelags that must be taken into consideration. Assuming there could be an accelerated processing of appropriations to the Department of Health, Education, and Welfare to augment the staff for planning the White House Conference on Aging, 11 months elapsed before the first grant was made to a State; 19 months before the first State conference on aging was held for the White House conference; and the last State conference on aging was held just 3 months before the national conference, scarcely allowing time for its report and recommendation to be received and incorporated into the background papers for the national conference.

"Knowing the kind of factfinding that must precede a conference of this magnitude and the publications that need to be updated to provide the best tools for the States and communities in their preconference activities, a supplementary appropriation should be requested at once to permit the preparation and distribution of such material.

"The 'Guide for State Surveys on Aging,' 'The Handbook of National Organizations,' 'The Selected References on Aging: An Annotated Bibliography,' are but a few of the first documents that were basic in the planning of the first White House Conference on Aging and would be equally helpful in preparing for the conference in 1970."

Dr. Margaret Mead, anthropologist and representative of the Oliver Wendell Holmes Association, asked for the kind of conference with "enough money for adequate preparation" and "a really adequate followup." She also gave her estimate of significant changes that have occurred since 1960 and others that could be expected in the next decade:

"* * * I would like to see this Conference not only evaluate how far we have come since our previous Conference on the Aging, and not only evaluate programs of medical aid, housing, income maintenance, consumer education, but do two other things: To look much more sharply at the differences that each decade is going to bring in the character of older people that we are going to have to deal with, because perhaps every 5 years and certainly every 10 now we deal with people who have much better health, are much more alert. The difference between the generation that uses television constructively to participate in the country and the world, and the generation that had only radio and the generation that didn't even have radio, and very often didn't read newspapers, is very great.

"Also, we need to discriminate between the grandparent generation and the great-grandparent generation when they are the same age, as we don't do at present. We treat great-grandparents and grandparents by chronological age only."

OLD AND NEW ISSUES FOR DISCUSSION

After reporting on progress made since 1961, Commissioner Bechill said that many key areas of concern remain, among them, "the complex problem of income support during retirement," further improvement of

the medical and health care services available to the older population, "meaningful activity" in retirement, deficiencies in "the spectrum of housing and living arrangements needed by older people." inadequacies in direct services for older people, and shortages in trained personnel needed in aging and related fields. Mr. Bechill's comments on inadequate retirement income were amplified by Miss Genevieve Blatt, Assistant Director for Older Persons Program in the Office of Economic Opportunity. She asked for "special consideration to the question of poverty among older men and women," and for the Conference to study "ways and means for developing and coordinating *all* available resources in aid of the older poor." (Approximately 6 million persons 65 years or older are listed as living below official poverty levels.)

Representatives of national organizations and individuals discussed many of the points made by Commissioner Bechill and Miss Blatt, and offered additional matters for consideration.

NEW PRESSURES ON RETIREMENT INCOME

Dr. Juanita Kreps, professor of economics at Duke University, argued that current thinking about retirement quite often fails to regard it as "a life stage that is new in nature, significant in length, and extremely expensive to finance, if decent retirement levels of living are to be maintained." She added:

"* * * We have therefore been unable to turn our attention to the problem of how man supports himself during the decades of retirement. And having not yet considered the question of income in this broader perspective, there have been far too few attempts to grapple with the basic questions: What level support do we intend for old age? Is there some minimum (such as Mollie Orshansky's poverty or low-income level) which we are prepared to guarantee to all aged persons, regardless of previous earnings? If so, what sources of financing should be utilized? Is it time to move into at least partial financing from general revenues? Once the minimum level is set and financing agreed to, how can these minimums be kept in step with earnings, so that a decade hence the difference is not again of its present magnitude? Specifically, what arrangements can be made for according some of the gains of economic growth to retirees as well as to persons currently at work?

"By reexamining the question of income in old age in the near future. It may be possible to focus attention on the fact that it is not just the income level guaranteed at the time of retirement that is important; what happens thereafter to that income in real terms, and what happens to the incomes of other persons, are crucial considerations."

Practically every other witness described insufficient income as the major unresolved problem affecting the elderly. Mrs. Geneva Mathiasen, executive director of the National Council on the Aging, reported that at recent NCOA regional conferences, the top priority selected at each meeting was for more adequate income for the elderly, using social security as the primary mechanism.

ADDITIONAL HEALTH NEEDS

Medicare and medicaid were widely praised, but several calls were made for additions to coverage. John Edelman, president of the National Council of Senior Citizens, saw a clear need for "preventive health care as opposed to treatment of specific ailments after they occur." Other witnesses asked for the White House Conference to consider shortages in home health services, rehabilitation resources for the elderly, and, as expressed by a representative of the Blue Cross Association, "the broad question of the status of nursing homes and their function as social as well as medical institutions." The American Psychiatric Association noted a definite improvement in the care of the aged mentally ill but added, "* * * too often such care is fragmented and discontinuous." John T. James, executive secretary for the Catholic Conference of Services for the Aging, listed the following needs in long-term health care institutions: "Better facilities, more beds, a quality health care program, but most of all, more qualified personnel at all levels to provide the kind of care our old folks need so badly."

HOUSING AND SOCIAL SERVICES

A concise summary of major problems related to current housing policies was offered by Mrs. Eone Harger, director of the New Jersey Division of Aging:

"There are several forces which are placing demands upon the area of housing: (1) The supply of housing for older persons which will not meet the need (FHA mortgaging and Government funding is geared toward suburban single-family and urban renewal-type apartment housing); and (2) the particular needs of the elderly are not being met. As mentioned above, the type of housing needed for the older population is not being built. The entire area of retirement villages, homes for the aged and congregate living must be examined. Analysis must be made of the entire spectrum of services needed for this particular type of housing."

The American Public Welfare Association suggested that the Conference "might seek to establish a model or models for the provision of all needed services to the aged (economic, health, use of unused time, counseling etc.), on the local level in urban and rural areas." The association added:

"The attempts to meet these needs separately have resulted in a series of independent and often uncoordinated efforts as they converge on the local level."

Other witnesses foresaw a need for many additional services, and, like Commissioner Bechill, warned about shortages of trained personnel.

ATTITUDES AND USE OF TIME

Again and again, witnesses questioned current attitudes toward aging and to the institution of retirement itself. They urged that the White House Conference pay adequate attention to issues that will become more and more important as more Americans retire earlier and spend more in retirement than is now the case. Dr. F. J. L. Blasingame, of the American Medical Association, said, for example:

"Retirement—especially by the calendar—with its multiple physical, emotional, social, and financial ramifications, is perhaps the one problem which sets our older age group apart as unique. I am convinced that it is a prime factor in the physical and mental deterioration of many older individuals. It obviously is productive of economic problems for those who have not prepared for this period of life. And its effect in isolating the older individual socially has yet to be fully appreciated.

* * * * *

"I recognize that the retirement issue is one of the most complex facing our country, with medical, sociological, psychological, economic, and political questions which defy a simple solution. But I am also convinced that the problems involved in changing our current retirement policies are far less than the problems which will result if we retain them. I do not believe we can simultaneously continue to lengthen the lifespan, postpone entry into the work force, and lower retirement age without seriously compromising the economic and social vitality of this country."

Similar arguments were made by a representative of Orthodox Jewish Congregations of America, who said that a "pervading sense of uselessness and concomitant isolation" among many older Americans "is the major problem in this area, exceeded possibly only by the problem of actual poverty at the end of the years of earning power." A White House conference would serve a good purpose, said other statements, if it would consider such matters as opportunities for retirees to give community service, opening of greater educational opportunity before and after retirement, and more experimentation with senior centers. Kiwanis International also suggested that at least one workshop be devoted during the 1970 White House Conference to the usefulness of voluntary men's and women's service organizations in establishing new programs for the elderly on the local level. The Lutheran Laymen's League also discussed ways "of utilizing the talents and skills of the aged."

JOB OPPORTUNITIES

A new law to ban discrimination in employment because of age was widely praised, but the need for greater flexibility in present work arrangements was also discussed. Dr. Mead foresaw the time when a person may have as many as four or five jobs in a work lifetime, causing a need "to take time off to be educated." She added:

"* * * this time, of course, should be credited against pensions and benefits of all sorts, because it is a benefit to society—then what we call retirement now will cease to be the kind of catastrophic and traumatic event that it is today. It will be a shift from one kind of activity to another, especially if we establish adequate transfer plans for pensions and other benefits. While we are still working for pension plans within trade unions, for instance, or working for better social security coverage, we also ought to consider that a large proportion of our population who have leadership qualities that would make them particularly valuable in feeding back their experience into the society, are prisoners of pension plans. New arrangements are badly needed for transfer of personnel from industry, the academic world, government and international and national services, if we are going to liberate people to move and to change and get the habit of changing, so that they won't go into this dead end of retirement that they go into now."

RURAL NEEDS

Representatives of the National Farmers Union, the National Rural Electric Cooperative, the National Grange, and the National Association of Counties urged that the proposed White House Conference give adequate attention to such rural problems as poor communication and transportation, inadequate welfare and health facilities, and pervasive poverty among "these forgotten and silent people."

SUGGESTIONS FROM STATE AGENCIES

Thirty-seven agencies on aging[3] endorsed Senate Joint Resolution 117 and gave a wide variety of suggestions on matters that should be discussed at a White House Conference on

[3] State units on aging endorsing S.J. Res. 117:

1. State of Alabama Commission on Aging.
2. State of Alaska, Department of Health and Welfare.
3. State of Arkansas, Office on Aging.
4. State of California, Commission on Aging.
5. State of Colorado, Commission on Aging.
6. State of Connecticut, Commissioner on Services for Elderly Persons.
7. State of Delaware, Commission for the Aging.
8. Government of the District of Columbia, Department of Public Welfare.
9. State of Georgia, Commission on Aging.
10. Government of Guam, department of public health and welfare.
11. State of Hawaii, Commission on Aging.
12. State of Illinois, Department of Public Aid.
13. State of Iowa, Commission on the Aging.
14. State of Kansas, Department of Social Welfare.

Aging. Mrs. Harger, who is also president of the National Association of State Units on Aging, commented on the significance of the responses:

"A striking factor apparent in endorsements by individual State offices on aging is that the reasons for wanting a White House conference, while having many similarities, also show wide differences. The diversity reflects in part the experience and background of those who are working in the field of aging, and suggests the value a national conference might have in formulating an understanding of mutually shared national goals. It underlines the need for those who are administering aging programs to understand aging from a broad perspective so that long-range objectives will not be lost in immediate administrative efforts. There is no better way to take stock of what we have done since the 1961 White House Conference on Aging than to throw a national spotlight on the subject 10 years later—a time pattern that accounts for much of the progress made in matters relating to children. In the press of trying to carry out day-to-day responsibilities, it is difficult for those working in the field of aging to have perspective on how well what has been done stacks up against what was recommended should be done. A national conference on aging is essential before making decisions on next steps."

Additional calls for a reassessment were expressed in other statements. Dr. Robert Morris, professor of social planning at Brandeis University, said, for example:

"* * * Ten years is a brief time to achieve the larger objectives of that earlier meeting but the recommendations constitute a baseline against which 10 years of progress can be measured. Such stock taking would certainly want to take into account the dynamic nature of our population. The enactment of programs themselves is not sufficient, but soundings can be taken about the extent to which these programs have reached older persons, the extent to which the wishes and desires of older persons have changed, and the extent to which the changed character of American communities modifies the thinking of 1961."

Several of the calls for reexamination were related to a reorganization plan implemented in August 1967 by the Department of Health, Education, and Welfare. Under that plan, the Administration on Aging, established under provisions of the Older Americans Act of 1965, became one of five units in an entirely new agency—the Social and Rehabilitation Service. Often during the hearings on Senate Joint Resolution 117, witnesses said the reorganization raises serious questions about Federal policy related to older Americans, and they urged full discussion of the reorganization at the White House Conference and at preparatory State meetings. Typical of the commentary is this excerpt from a statement of Dr. Ewald Busse, president of the Gerontological Society:

"I also want to take this opportunity to express my reservations regarding the reorganization plan that places the Administration on Aging within the Social and Rehabilitation Service of the Department of Health, Education, and Welfare. My concern does not rest with the competency of the leadership, as I hold in high regard the Administrator for the Social and Rehabilitation Service and the Commissioner at the head of the Administration on Aging. Since my concerns do not primarily rest with the question of leadership, it is evident that I am concerned with the structured system. In my opinion the Administration on Aging has lost much of its distinct visibility as well as its advantageous position so that it could influence the wide variety of governmental agencies, departments, and private organizations that are concerned with the aging and the aged. The need to occupy an advantageous position with strength and independence of action is particularly important in the field of gerontology. I believe that all of us are becoming very well acquainted with the problems of individual prejudice and group biases, and we recognize how often such largely unconsciously determined illogical patterns of thinking and behavior affect the health and welfare of all of our citizens. It is my belief that the elderly and their representatives are constantly confronted with prejudicial barriers. The field requires not only well-intentioned leadership but responsibility and strength so that it can educate and favorably influence individuals and organizations."

15. State of Louisiana, Commission on the Aging.
16. State of Maine, Department of Health and Welfare.
17. State of Maryland, Commission on the Aging.
18. State of Michigan, Department of Social Services.
19. State of Minnesota, Governor's Citizens Council on Aging.
20. State of Missouri, Department of Community Affairs.
21. State of Montana, Commission on Aging.
22. State of Nebraska, Advisory Committee on Aging.
23. State of Nevada, Department of Health, Welfare, and Rehabilitation.
24. State of New Jersey, Department of Community Affairs.
25. State of New York, Office for the Aging.
26. State of North Carolina, Governor's Coordinating Council on Aging.
27. State of Oklahoma, Department of Public Welfare.
28. State of Oregon, Governor's Committee on Aging.
29. Commonwealth of Pennsylvania, Department of Public Welfare, Office of the Aging.
30. State of South Carolina, Interagency Council on Aging.
31. State of Tennessee, Commission on Aging.
32. State of Utah, Council on Aging.
33. Government of the Virgin Islands, Insular Department of Social Welfare.
34. Commonwealth of Virgina, Commission on the Aging.
35. State of Washington, Department of Public Assistance.
36. State of West Virginia, Commission on Aging.
37. State of Wisconsin, Commission on Aging.

The preamble was agreed to.

The title was amended, so as to read: "Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1970 to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes."

## PEACE NEGOTIATIONS

Mr. MANSFIELD. Mr. President, the meetings which are soon to open in Paris will seek, necessarily, in the first instance a basis for continuing contact. There is no assurance at this point that there exists even a preliminary basis for the negotiation of a settlement. The task of finding out is one of great delicacy and difficulty.

The Americans who have been entrusted by the President with this responsibility should have every support and encouragement from the Senate and the rest of the Nation. The Senate, of course, has a deep concern with what transpires in Paris. I am confident that the President would keep and would want the executive department concerned to keep the Senate continuously informed through the Committee on Foreign Relations.

The best hope for effective negotiations, at this point, however, seems to me to lie in permitting the regular negotiators to proceed in Paris with as much privacy and discretion as possible. That will not be possible if there is a steady flow of official, semiofficial, or unofficial visitors at their elbow. The problem with which they ought to be concerned is not international propaganda and certainly not domestic politics. The sole problem is the achievement of peace.

## ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, May 6, 1968, the President pro tempore signed the enrolled bill (H.R. 10477) to amend chapter 37 of title 38 of the United States Code with respect to the veterans home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A petition, signed by John R. August, and sundry other citizens of Bellaire, Tex., remonstrating against aid, in any form, directly or indirectly, to our Communist enemies; to the Committee on the Judiciary.

A resolution adopted by the City Council of Bayonne, N.J., remonstrating against the enactment of legislation to liberalize truck size and weight limits on interstate highways; to the Committee on Public Works.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of Ohio:

S. 3437. A bill to amend the Military Selective Service Act of 1967 so as to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces under such act may be required to serve; to the Committee on Armed Services.

(See the remarks of Mr. YOUNG of Ohio when he introduced the above bill, which appear under a separate heading.)

By Mr. SCOTT:

S. 3438. A bill for the relief of Efraim Turban and his wife, Rachel Turban; to the Committee on the Judiciary.

By Mr. MUNDT:

S. 3439. A bill to provide for an investigation and study of future water needs of the Missouri River Basin; to the Committee on Public Works.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 3440. A bill for the relief of Dr. Pedro Carduy Brito (Pedro S. Sarduy); and

S. 3441. A bill for the relief of Dr. Fermin Ferro; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3442. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

## S. 3437—DRAFT SHOULD BE REDUCED TO 18 MONTHS

Mr. YOUNG of Ohio. Mr. President, while there remains a continuing need for conscription to meet our military manpower requirements, the need for a 24-month term of service no longer exists, if indeed it ever did.

I am hopeful that in time we shall end military conscription and establish a professional volunteer army. Certainly, more serious consideration should be given to studying the possibility of doing so as soon a possible.

Until then our Nation must require that young men serve in our Armed Forces, particularly at a time when administration leaders in Washington adopt a policy that we have a mandate from Almighty God to police the entire world.

The present tour of duty of men in our Armed Forces in Vietnam is 1 year. Even assuming that a young man were given 6 months of training before being sent into that or any other combat area, it is obvious that he could fulfill his obligation to his country in a period of 18 months, and then be returned to civilian life. Certainly, those in charge of personnel assignments for various branches of our Armed Forces could fulfill all their manpower requirements with an 18-month tour of duty for draftees. In my considered judgment, it is unfair and unnecessary to require these young men to serve for 2 years. Why disrupt the lives, education, and careers of our youngsters for any longer period of time than is necessary?

Furthermore, in each of the next several years, nearly 1,900,000 young men will attain the age of 19. In 1970, that number will probably exceed 2 million. Of this number, under current standards, 3 of 10 will probably be disqualified for physical reasons, or deferred for reasons of hardship or unfitness. Therefore, approximately 1,300,000 19-year-olds will be qualified and available for service in our Armed Forces each year.

According to Thomas D. Morris, former Assistant Secretary of Defense in Charge of Manpower, in a typical post-Vietnam year—which we all hope will be very soon—it is estimated that 110,000 inductees will be required annually. These men would be selected from the residual pool of draftees available, exclusive of those who had already volunteered. That pool would consist of approximately 730,000 young men. Thus, it would be necessary to draft only one of seven of the 19-year-olds remaining available for induction each year.

If shortening the tour of duty to 18 months should conceivably result in a need for more young men, they could be drawn from the additional hundreds of thousands of available men who otherwise would be exempted.

Furthermore, it is unfair to continue to draft young American boys for a 2-year period when our allies, Great Britain and Canada have no draft laws, no conscription whatsoever. New Zealand provides conscription for a period of 12 months only. Belgium conscripts for 12 to 15 months; Italy 15 months only. France conscripts her young men for 16 months; West Germany for 18 months; and the Netherlands provides conscription for a period of 18 months. In South Vietnam, although a civil war has been raging for years, the Saigon military junta has not drafted young men of 18 and 19. There has been no general mobilization. Those older men who have been ordered into service have been able to buy exemption from the draft upon payment of from $685 to $800, dependent upon the greed of the provincial leaders and of the Saigon military junta leaders.

I wish to emphasize that we are sending thousands of men, some of them draftees, to protect these nations, some of which have no draft laws whatever.

Mr. President, in view of these facts I introduce today for appropriate reference a bill to amend the Military Selective Service Act of 1967 to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces may be required to serve.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3437) to amend the Military Selective Service Act of 1967 so as to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces under such act may be required to serve, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. YOUNG of Ohio. Mr. President, my bill would remove at least one of the gross inequities in our present Selective Service System which under the administration of General Hershey has become a repugnant mess. Our military draft system could be considered a wart on the face of our civilization or a stone under the instep of progress in the United States. Apart from his maladministration of the system and General Hershey's attempts to use the draft to suppress freedom of speech, the law itself has many defects.

The proposal introduced by the distinguished senior Senator from Massachusetts [Mr. KENNEDY] instituting a random selection by lottery, the induction of the youngest first, administrative reorganization of the Selective Service System, mandatory national standards for classification and elimination of occupational deferments except where the President may determine them justified in the national interest, and the proposal to reform the Selective Service System recently introduced by the distinguished senior Senator from Michigan [Mr. HART] should very definitely receive priority for consideration by the Congress this year.

While I strongly support these proposals, I believe that they do not go far enough in that they do not shorten the outmoded 24-month service requirement for draftees.

We in Congress should review the Selective Service System very thoroughly, and before next June 30 enact into law a greatly improved Selective Service Act.

No draft law will please everybody, but it is surely high time that we enact into law a selective service system designed to meet the realities of 1968 and not a world war that ended in 1945.

## S. 3439—INTRODUCTION OF BILL DEALING WITH MISSOURI RIVER BASIN WATER NEEDS

Mr. MUNDT. Mr. President, I introduce today for appropriate reference legislation to provide for an investigation and study of future water needs of the Missouri River Basin. Similar legislation is being introduced in the House of Representatives by Congressman KYL, of Iowa.

This step has been taken to assure that the water needs of the upper Great Plains area, as well as the downstream States, will be protected in the event a contemplated plan to divert Missouri River water to Southwest Texas or some other distant area should ever materialize.

The possibility of such a diversion was suggested last December in a report issued by R. W. Beck and Associates, a private consulting engineering firm. The report deals with a plan to divert an average 13 million acre-feet of water annually from the Missouri River below Fort Randall Dam at about elevation 1,250 feet and lift it through a series of reservoirs and canals some 200 miles up the Niobrara River to about elevation 4,050, just north of Alliance, Nebr. From there the water would flow by gravity through a 940-mile canal south through western Nebraska, eastern Colorado, along the Kansas border, and across the Oklahoma Panhandle into Texas, west of Amarillo.

Their report said such a plan could be justified. Legislation to direct a study of the feasibility of diverting water from the Missouri River to other areas has been introduced.

Mr. President, I very seriously question whether this plan is feasible. It may be possible since in this day and age of engineering miracles almost anything is possible. The estimated cost of between $3 and $3½ billion is a staggering large sum but on the other hand, Mr. President, I can recognize the desire of the arid regions to obtain water for irrigation.

What disturbs me most of all is the fact that the plan presupposes there is a surplus of water in the Missouri River Basin. There is substantial evidence that this is not so and that the Beck plan would be taking needed water from the upper Great Plains area in an effort to irrigate the Southwest, in other words, robbing Peter to pay Paul.

In the first place, the plan is based on the availability of 13 million acre-feet of water at the proposed diversion point, which as I mentioned is just downstream from South Dakota's Fort Randall Dam. In arriving at this conclusion, R. W. Beck

and Associates used the runoff records on the Missouri River at Sioux City, Iowa, which is 120 miles downstream from the point of diversion. These records show that the annual runoff, for the period 1898 to 1962, is 24 million acre-feet. By utilizing the Corps of Engineers estimate that by the year 2020 upstream depletion would reduce this to 16 million acre-feet annually and by estimating that 3,000 acre-feet would be sufficient to meet future requirements downstream for such necessary uses as slack-water navigation, the Beck Associates reached the 13 million figure.

Crucial to this total, of course, is the 24 million acre-feet starting point. This figure is questionable. The gaging station at Yankton, S. Dak., discloses a far different story. This gaging point, I might add, is three times closer to the diversion point than the gaging station used by the Beck Associates in their study. It is approximately 40 miles away, and its records are more up to date. These records, based on the annual average from 1931 to 1962 only, indicate that the average runoff is nowhere near the 24-million figure but rather is 17.8 million.

This becomes of crucial importance because when applying the Corps of Engineers formula to this run-off average, we wind up with a total of 7.5 million acre-feet available for diversion. This is about half that originally estimated and while it still may be excess water, it casts grave doubts upon the justifiability of the Beck plan, which in my estimation, is weak and debatable from the diversion point on, but which becomes even more so with these figures.

Mr. President, along this same line of either misinformation or false assumptions, I would like to add these figures. The Beck report indicates there is a "potential gross head of approximately 40 feet at the proposed diversion dam, which would be located between Gavins Point Reservoir and Fort Randall Dams." As a matter of fact, Mr. President, this is not possible. The Bureau of Reclamation advises that the top of the joint-use pool at Gavins Point is elevation 1,208, whereas minimum water surface at Fort Randall is elevation 1,233, a difference of only 25 feet. A 40-foot diversion dam diverting at elevation 1,250 at the location proposed also would interfere with the operation of Fort Randall powerplant.

Mr. President, there are other aspects of the report that are questionable, particularly as it relates to estimated seepage and evaporation losses, but I would like to turn now to what I consider to be the shortsightedness of the Beck plan.

The estimates of future upstream depletions are projected only until the year 2020. This may sound like a long time in the future, but it is only a little over 50 years away. Tremendous changes are forecast for the upper Great Plains and it is highly probable that the demands for water will exceed the estimation of the Corps of Engineers, if not before 2020, certainly afterwards.

The upstream States have a great stake in the Missouri River. South Dakota, in particular, has made a substantial sacrifice in the development of the Missouri River Basin project. We agreed to inundate and remove from tax rolls in South Dakota over one-half million acres of productive agriculture land along the Missouri River. We did so because we were willing to bet our future on the potential inherent in harnessing and controlling that river. We believed we could make it work for us while at the same time provide needed flood control, navigation, and water quality control benefits to many residents down the stream along the Missouri and Mississippi Rivers.

These sacrifices were not made for immediate benefits, but rather for anticipated ones. We were looking to the year 2020 and beyond. It is my belief, therefore, that any plan to divert this water should provide for upstream depletion at a date much farther in the future than the year 2020 to protect the rights of the users in the basin of origin. Once we lose it, we cannot get it back.

Mr. President, before closing, I would like to return to what could be expected downstream if this water were to be diverted. The Beck plan assumes that slack-water navigation can be developed below Sioux City as a completely separate, economically viable development. This is debatable. In fact, it would appear that it is not.

Navigation is essential for Missouri River Basin development. We must have both options available to us, although it would appear open-river navigation would be superior to slack-water navigation because of the time and expense that would be involved in passing barges through the many locks. What disturbs me is the fact that if this water were diverted, we would not have enough left for open-water navigation and there is no assurance that slack-water navigation would be available to fill the gap.

A detailed study would be necessary to verify the accuracy of the assumption regarding the feasibility of slack-water navigation, but it appears to me that since navigation on the Missouri is an established use, it cannot be expected to absorb the expense of construction of additional works just to provide the same or highly inferior navigation use.

Navigation is becoming more and more important to the upstream States and we cannot allow this opportunity to be jeopardized by diversion of our water. The upper Midwest must not remain a port of potentiality rather than one of productivity. The day of viewing the Great Plains as the landlocked servant of the affluent seaboard States is a day of the past.

Mr. President, we have sought our place in the sun, we have worked for our moment of glory, we have sacrificed in land and opportunity for this chance and we shall not see it pass to others. Before taking any diversionary action, the water needs of the Missouri River Basin should be fully protected.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3439) to provide for an investigation and study of future water needs of the Missouri River Basin, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Public Works.

## S. 3442—INTRODUCTION OF A BILL TO AMEND THE FOREIGN SERVICE BUILDINGS ACT OF 1926

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Service Buildings Act of 1926 to authorize additional appropriations.

The proposed bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that a letter from the Assistant Secretary of State to the Vice President, dated April 29, 1968, in regard to the proposed legislation, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3442) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, and referred to the Committee on Foreign Relations.

The letter, presented by Mr. FULBRIGHT, is as follows:

DEPARTMENT OF STATE,
*Washington, D.C., April 29, 1968.*

HON. HUBERT H. HUMPHREY,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: The Department of State encloses, and recommends for your consideration, proposed legislation to amend the Foreign Service Building Act, 1926 (22 U.S.C. 292–301) to permit the continued operation of the Buildings Program in fiscal years 1970 and 1971.

The Foreign Service Buildings Act was last amended by Public Law 89–636, enacted October 10, 1966. That act authorized appropriations not to exceed $29,810,000 for acquisition, design and construction of capital projects required abroad for diplomatic, consular and other activities of the United States operating in foreign countries, and not to exceed $25,350,000 for operating expenses in fiscal years 1968 and 1969. Ample authorization remains for capital projects, but authorization is required for operating expenses for fiscal years 1970 and 1971.

Under the Foreign Service Buildings Act, the Department of State has acquired office buildings, residences and staff housing having a value considerably in excess of their cost of about $267,500,000. The requested authorization to seek appropriations would provide $13,500,000 in fiscal year 1970 and $14,300,000 in fiscal year 1971 to operate, maintain and administer the properties. These costs include minor improvements to existing properties, recurring payments on long-term leases of buildings, the maintenance, operation and repair of buildings, furnishings for both new acquisitions and existing properties, the costs of supervision of construction projects, and the administration of the program.

The Department of State has been informed by the Bureau of the Budget that there is no objection to this proposal from the standpoint of the Administration's program.

A letter similar in content is being sent to the Speaker of the House.

Sincerely,

WILLIAM B. MACOMBER, Jr.,
*Assistant Secretary of State for Congressional Relations.*

## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENTS NOS. 716 THROUGH 737

Mr. LONG of Missouri. Mr. President, on behalf of myself and the Senator from Michigan [Mr. HART] I submit 22 amendments, intended to be proposed by us, jointly, to Senate bill 917. I ask unanimous consent that they be printed and lie on the table.

I have brief explanations for the more complex and important amendments, and I ask unanimous consent to have the text of all the amendments, and the explanations printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and, without objection, the amendments and explanations will be printed in the RECORD.

The amendments and explanations are as follows:

AMENDMENT 716

Strike all of title III and substitute S. 928 in lieu thereof.

AMENDMENT 717

Section 801 of S. 917, title III, is amended as follows: To insert a new paragraph (a) "The Constitution of the United States guarantees to all individuals a basic right of privacy. Accordingly, the Congress endorses the requirement that what an individual seeks to preserve as private is to be protected, even in an area accessible to the public. The Congress supports the view that wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures," and accordingly paragraphs (a), (b), (c), and (d) are re-designated paragraphs (b), (c), (d), and (e) respectively.

EXPLANATION

This amendment would confirm in the legislation a constitutionally protected right to privacy.

The attitude of the Congress on this important point should not be left to chance. We should go on record as affirming the conclusion of the Supreme Court on this point.

AMENDMENT 718

Subparagraph (5)(a)(ii) of section 2510, title III, is amended as follows: To strike all of the language on lines 20, 21, and 22 on page 51 following the word "business" on line 20 on page 51, and to insert after the word "business" a period.

EXPLANATION

Until the present bill, Congress has never seriously considered extending wiretapping and eavesdropping to state and local authorities. It has been the view in the past, and it is my current view, that if we *must* have legalized tapping and bugging, it should at least be limited to Federal investigators. This amendment would accomplish this purpose.

AMENDMENT 719

Section 2516 of title III is amended as follows: By striking all of paragraph (2) thereof;

Paragraph (7) of section 2510, title III, is amended as follows: By striking all of the language on lines 8 and 9 of page 52 immediately following the word "States" on line 8 of page 52 and ending with the comma immediately preceding the word "who" on line 9 of page 52;

Paragraph (9) of section 2510, title III, is amended as follows: By changing the semicolon following the word "appeals" on line 21 of page 52 to a period; and by striking the word "and" at the end of line 21 of page 52; and by striking all of lines 22 through 25, inclusive, of page 52.

Paragraph (2)(b) of section 2512, title III, is amended as follows: By striking the words "a State" and the comma which follows the word "State" on line 19 of page 58, and by striking all of the language on lines 21 and 22 of page 58 beginning after the words "United States" on line 21 of page 58 and ending immediately preceding the word "to" on line 22 of page 58, including the striking of the comma immediately following the "thereof" on line 22 of page 58.

AMENDMENT 720

Paragraph (11) of section 2510, title III, is amended as follows: To insert after the word "to" and before the word "any" on line 6 on page 53 the words "or who was the subject of".

AMENDMENT 721

Subparagraph (2)(a) of section 2511, title III, is amended as follows: To delete all of the language on lines 11 through 16, inclusive, on page 55, following the word "service" on line 11 of page 55.

AMENDMENT 722

Subparagraph (2)(a) of section 2511, title III, is amended as follows: To strike all of the language following the word "service" on line 11 on page 55 through and including the word "communication" on line 13 on page 55.

AMENDMENT 723

Subparagraph (2)(b) of section 2511, title III, is amended as follows: To insert after the word "obtained" on line 24 of page 55, the language "for the purpose of enforcing this chapter, or other related statutes."

AMENDMENT 724

Paragraph (3) of section 2511, title III, is amended as follows: By striking lines 13 through 19, inclusive, of page 56, beginning after the word "activities" on line 13 of page 56, and ending with the word "Government" on line 19 of page 56.

AMENDMENT 725

Paragraph (3) of section 2511, title III, is amended as follows: To insert after the word "may" on line 21 on page 56 and before the word "be" on line 21 of page 56 the word "not" and to strike all of the language on lines 22, 23, and 24 on page 56 following the word "proceeding" on line 22 on page 56.

EXPLANATION

Under Section 2511 of the bill, the President is permitted to order tapping and bugging *without* court order and the evidence so gathered is admissible in court.

*No* President has ever sought such power and it should not be granted.

If we *must* have "legalized" wiretapping and bugging, introduction into evidence of material so gathered should be limited to that gathered under a court order.

AMENDMENT 726

Title III is amended as follows: By striking all of section 2516 and substituting in lieu thereof the following language: "The Attorney General may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation when such interception may provide or has provided evidence of a violation of the following sections of Title 18, United States Code: section 201 (bribery of public officials and witnesses), section 224 (bribery in sporting contests), section 1084 (transmission of wagering information), section 1503 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1751 (Presidential assassinations, kidnapping, and assault), section 1951 (interference with commerce by threats or violence, section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), or sections 2313 and 2314 (interstate transportation of stolen property), or any offense which involves murder, kidnapping, robbery, or extortion, or any conspiracy to commit any of the foregoing offenses."

EXPLANATION

The present proposal would permit *all* federal law enforcement agencies to tap and bug in cases of Title 18 offenses. We do not have any accurate count on how many federal agencies are so authorized but it is my view that if we *must* have "legalized" tapping and bugging, it should be restricted to the FBI which is highly centralized and disciplined and not made available to such agencies as the Internal Revenue Service who have literally gone wild in the field of electronics eavesdropping in the past, as our extensive hearings have conclusively shown.

AMENDMENT 727

Section 2517, title III, is amended by adding a new paragraph (b) as follows: "Under no circumstances whatsoever shall any person knowingly prepare or possess any written report or make any oral report to any other person which contains any information whatsoever obtained through the interception of wire or oral communications pursuant to this title or in violation thereof without identifying or disclosing that such information was so obtained".

AMENDMENT 728

Subparagraph (1)(b) of section 2518, title III, is amended as follows: To delete the comma after the word "been" on line 19 on page 66 and to insert in lieu thereof the word "or" and to strike all of the language on line 20 on page 66 preceding subparagraph (ii);

Subparagraph (3)(a) of section 2518, title III, is amended as follows: To delete the comma after the word "committing" on line 10 on page 68 and insert in lieu thereof the word "or" and to strike all of the language on lines 10 and 11 on page 68 following the word "committee" on line 10 on page 68 and immediately preceding the article "a" on line 11 on page 68; and

Subparagraph (3)(d) of section 2519, title III, is amended as follows: To strike the comma after the word "used" on line 21 on page 68 and to strike all of the language on lines 21 and 22 on page 68 following the word "used" on line 21 on page 68 to and inclusive of the word "used" on line 22 on page 68 including the comma following the deleted word "used" on line 22 of page 68.

AMENDMENT NO. 728

EXPLANATION

Sections 2518 and 2519 of the proposed legislation would permit tapping and bugging not only concerning a long list of crimes which have been or are being committed but also which "are about to be committed".

This loophole would permit unlimited snooping which has never been seriously considered in the past. It *too* provides a truck-size loophole for the gathering of so-

called criminal intelligence. It would end privacy forever.

My amendment would limit court orders to crimes which have been or are being committed.

AMENDMENT 729

Paragraph (5) of section 2518, title III, is amended as follows: To strike the word "thirty" on line 22 of page 69, on line 4 of page 70, and on line 10 of page 70, and to substitute in lieu thereof the word "fifteen."

AMENDMENT 730

Paragraph (7) of section 2518, title III, is amended as follows: To insert after the word "application" on line 19 of page 71 the words "or upon any person whose communications were intercepted or upon any person who was the subject of such intercepted communications".

AMENDMENT 731

Section 2518 of title III is amended as follows: By striking all of paragraph (7) thereof.

EXPLANATION

As the bill came out of the Judiciary Committee, there is a provision for wiretapping and eavesdropping for a 48-hour period *without court order*.

This is a loophole large enough to drive a truck through: any policeman . . . Federal, state, or local . . . caught eavesdropping without a court order will say "Oh, it was an emergency. I was going down and get a court order tomorrow".

If this provision is left in the bill, it will mean that policemen will regularly tap *without* a court order and will go down and get a court order only after the tap produces something "good". Otherwise, they forget it. If, by chance they are caught, they *in effect* have immunity from prosecution.

AMENDMENT 732

Subparagraph (8) (d) of section 2518, title III, is amended as follows: To strike the word "ninety" on line 24 of page 72 and to insert in lieu thereof the word "thirty".

AMENDMENT 733

Subparagraph (8) (a) of section 2518, title III, is amended as follows: Between lines 12 and 13 of page 73 add the following: "After the service of the inventory such person may make a motion before such judge and the judge may order disclosed the applications and orders and may make available to such person or his counsel for inspection such portions of the intercepted communications as the judge determines to be in the interest of justice."

AMENDMENT 734

Subparagraph (8) (d) of section 2518, title III, is amended as follows: By striking lines 13, 14, and 15 on page 73.

EXPLANATION

As the legislation now reads, judges would be given power to postpone *indefinitely* notice to the subject of an interception.

Judges should not be granted such unlimited power. It will only encourage promiscuous wiretapping and eavesdropping and is an unwarranted invasion of privacy.

My proposed amendment would result in notice being given to the subject of the wiretap or eavesdrop within a period of 90 days after the tap or eavesdrop has been terminated.

AMENDMENT 735

Subparagraph (10) (a) of Section 2518, Title III, is amended as follows: To strike the word "or" at the end of line 12 on page 74; to change the period to a semicolon at the end of line 14 on page 74 and to add thereafter the word "or"; and to add the following new subparagraph (iv) to read as follows: "that he was not the subject of such application, authorization, or extension thereof."

AMENDMENT 736

Section 2520, title III, is amended as follows: To insert after the word "chapter" on line 9 of page 78 the following language: "or who is the subject of a wire or oral communication intercepted, disclosed, or used in violation of this chapter."

AMENDMENT 737

To amend title III of S. 917 as follows: "By striking the same."

AMENDMENT NO. 738

Mr. TYDINGS submitted an amendment, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which was ordered to lie on the table and to be printed.

## ORDER OF BUSINESS

Mr. CARLSON. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, it is so ordered.

## DEMOCRACY ON TRIAL

Mr. CARLSON. Mr. President, as the Senate considers the crime control bill, the Nation's Capital, faced with the task of rebuilding what was destroyed during the recent riots, is bracing itself for the impending poor peoples march.

I am gravely concerned about the new era that seems to be dawning in American politics—an era of violence and rule by demonstration. I feel the situation is so grave that Americans stand a very real chance of losing their individual voice in their government. In essence, democracy is on trial.

We are guilty of taking the democratic process for granted. Each and every citizen accepts as natural his right to express his views in an atmosphere of calm and reason. Citizens of the United States accept as fact the guarantee of protection under law and, with that protection, the guarantee of the right of dissent. Mr. President, we must realize that the guarantee on democracy in our country is only as good as we make it.

Last October, after the violent Vietnam demonstration at the Pentagon, I expressed grave concern over this new and extremely dangerous era threatening our country—an era of government by demonstration which threatened to escalate to government by violence.

At that time, in a Kansas speech, I called for all our citizens to repudiate demonstrations that destroy law and order and mutual respect between fellow Americans. I am sad to say that it now appears that the era of government by violence is a grim reality.

Since the tragic event in Memphis, a chain reaction of violence has spread throughout our country; violence that has had widespread repercussions throughout our Nation. Alarmed citizens across our country have seen armed troops in full battle dress patrolling our Nation's Capital and in the streets of their communities. Block after block of our cities now lie in ruin. Destitute families face ruin and rubble. Businessmen have given up trying to make private enterprise work in the ghetto.

The same violence has now spread like a disease to infect every problem area in our society, violence has now even become a condoned means of action in our academic halls of learning.

It is imperative that we pull back and objectively examine this deplorable situation. We must use our reason and not our emotions in attempting to solve our problems.

Many of our citizens and, unfortunately, some of our Nation's leaders openly predict more violence and even condone it, stating we will ultimately experience full-scale war, race against race, generation against generation.

The same people say that by nature man has inherent traits of savagery. Pointing to our Nation's history, they maintain that violence and the United States have had parallel growth. They cite the American revolution, the persecution of various immigrant minorities, the Civil War, the bloody days of the Reconstruction, and the violence of the early American labor movement as examples that we must use naked physical force as a cure for our problems.

As one militant put it, "violence is as American as cherry pie."

I cannot accept such pessimism. The end does not justify the means. What reason is this that says we must tear down in order to build, to destroy in order to save? There is another way, another side to our national history.

We are still the same people who selflessly turned from wars not of our own making and twice poured resources into defeated nations to feed, clothe, and rebuild.

We are still the same Nation that willingly accepted the responsibility for giving leadership to the world fight against hunger, malnutrition, and disease.

We are still the same Nation that has made our agriculture abundance available to starving people throughout the world.

We are still the same Nation whose dream of freedom attracted millions of men and women from all over the world and for the first time gave them hope that life in the promised land could be, and was, a personal reality.

I will not accept the thesis that this wonderful Nation must turn to violence and even fratricide as a way of solving our differences. We have, in the past, acted as reasonable and compassionate human beings. I am confident we can do so in the future.

During the coming weeks our Nation's Capital will be the scene of a demonstration carefully planned to orderly protest the very real plight of the poor across the Nation. I am convinced that this is the real purpose of this march. However, I am gravely concerned that those militants who openly court violence

and those who condone this conduct will do a great disservice to the cause of this responsible dissenting group.

Actions which violate the law or lead to violence completely overshadow the avowed purpose or objective of the demonstrations and prevent the group from making any meaningful contribution.

I would like to join many of my colleagues in the Senate in expressing the sincere hope that those who seek to protest and demonstrate will do so in an orderly, democratic, and responsible way.

I am confident the United States can solve its current domestic problems, but, I also know this cannot be done by violence. Only in an environment of calm, reason, law, and order can we achieve racial equality through the compassionate development of a better understanding among all of our citizens for their fellow man.

Only in the calm and reasoned atmosphere of law and order can we learn to understand the desires, the fears, and the frustrations of all of our citizens. Racial equality has never come about through violence and has never been achieved suddenly or overnight.

Real progress will come only when each citizen is treated by others with the respect and dignity due each as a human being. This cannot be legislated. It can only be accomplished by the action of individual citizens.

There are, however, major tasks which can and must be faced by Government. It is Government's responsibility to provide equal opportunity under law.

Enormous Federal spending programs will not win the hearts and minds of our disadvantaged citizens—these programs cannot provide the answer to opportunity, and self-pride. We must curb our natural American impatience and get to the job of finding workable answers to the serious and pressing problems facing our Nation today.

Congress and our Nation's leaders have welcomed and will continue to welcome ideas, suggestions, discussions, and the cooperation which will help answer our most difficult problems. Militant demonstrations and open violence will not bring equal opportunity, they will not bring peace, and they will not bring mutual respect. They will only increase tensions and could tear apart the fibers that hold our society together.

During this election year, when we all use and express our faith in the democratic process, let us repudiate demonstrations and violence that destroy law and order and mutual respect between fellow Americans. Let us end this era of government by violence. Freedom and equality walk hand in hand with reason, respect, and responsibility. Let us join our hands in this mutual effort.

Mr. YOUNG of Ohio. Mr. President, I congratulate the distinguished senior Senator from Kansas for the magnificent address he just made. I associate myself with his views. I consider that he has made such an important statement today that I hope it will be read by many thousands of Americans.

Mr. CARLSON. Mr. President, I express my sincere thanks to the distinguished Senator from Ohio for his kind words.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the joint resolution (S.J. Res. 131) to designate May 20, 1968, as "Charlotte, N.C., Day."

## MEXICO—FROM THE PAST, NEW PRIDE

Mr. MANSFIELD. Mr. President, the Christian Science Monitor of Saturday, May 4, 1968, published an article entitled "From the Past, New Pride," which has to do with the United Mexican States. The subheadline states:

As Mexico prepares for the Olympics, it also remembers its past. Fast-growing knowledge of the great Indian civilizations inspires its national progress today. Thanks to archaeologists, Mexicans are taking new pride in their heritage.

The Indian roots of the Mexicans run deeply into prehistory. The article states:

They first appeared in signs of human habitation near Mexico City about 24,000 years ago, the oldest reliable date for man's presence in the Americas. They trace an increasingly known pattern of cultural evolution after 10,000 B.C. In this, men slowly turned from hunting and food gathering and began to take up farming by about 5000 B.C. And, beginning some time before 1000 B.C., they developed a sophisticated, urbanized life.

The article quotes Dr. Jose L. Lorenzo, Chief of the Department of Prehistory of the National Institute of Anthropology and History—INAH, as follows:

We can't study the remote past as something exotic, unrelated to today. Our history is already there 24,000 years ago. In a real sense, we were there then. We can't divorce our past from our present and, to some extent, our future.

The article states:

By the time the Spanish arrived, several civilizations had come and gone. The Aztecs, Mayas and other sophisticated Indians who amazed the conquistadores stood on the shoulders of giants.

The Spanish found people still living in the stone age. They knew the principle of the wheel but apparently made no practical use of it. Their lives were regulated in detail by religious ceremony.

Yet, among them, these varied Indian peoples had a refined mathematics that included a notation comparable to the decimal system. Their astronomers could accurately forecast planetary positions and eclipses. Some of their calendars tracked the years more exactly than do our own.

More than this, they developed efficient political and administrative systems for running full-fledged nation-states. In some cases, they managed irrigation agriculture. International trade bustled. And some of them had market places rivaling those of Europe.

While they lacked some of the trappings of 16th-century European technology, archaeologists now realize that their achievements were mighty.

Many of the ancient tribes from which the present population of Mexico comes were far ahead of their European contemporaries of the same time. The Mayas, for example, who lived in the southern part of Mexico, had developed a religion which, in many respects, was quite comparable to Catholicism. For example, they believed in penance, baptism, and in after life. Other attributes are similarly parallel.

They were also proficient in the fields of mathematics and medicine. It is an unusual and very interesting observation that in the field of medicine, specifically, they were in many respects ahead of the Spaniards who came into their country at that time.

The Mexicans have a highly developed civilization and culture. I honor them for going back into the past and building on it. They have made many contributions to the culture and science of this hemisphere and the world.

It is well worth knowing that over the entrance to the great anthropological museum, which is probably one of the finest in the world—and certainly one of the most beautiful buildings in the world—there is displayed a twofold invitation. One says:

Mexican, think of yourself in the mirror of this grand earth.

It adds:

Foreigner, contemplate here the unity of human destiny.

Mr. President, I ask unanimous consent that this most interesting and outstanding article, written by Robert C. Cowen and published in the Christian Science Monitor of May 4, 1968, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEXICO: FROM THE PAST, NEW PRIDE

(NOTE.—As Mexico prepares for the Olympics, it also remembers its past. Fast-growing knowledge of the great Indian civilizations inspires its national progress today. Thanks to archaeologists, Mexicans are taking new pride in their heritage.)

(By Robert C. Cowen)

MEXICO CITY.—Juan Gonzáles Acevedo takes his archaeology seriously. As a taxi driver-guide, he's never turned over prehistoric soil. Yet, like millions of his fellow Mexicans, the archaeologist's spade touches his life deeply, for it helps him build a sense of national identity.

He came out with it spontaneously while driving back from a visit to the Valley of Mexico's oldest city, Teotihuacán (teh-oh-tee-wah-kahn).

"It makes me feel proud," he said. "I'm not Indian. I'm not Spanish. One time, when people called you Indian, it made a Mexican feel downgraded. It was like an insult. We did not remember the great Indian civilizations here.

"Now I am proud to have drops of Indian blood. I guess I am proud to have drops of Spanish blood, too. It's the archaeology, the National Museum of Anthropology [where Mexico's Indian heritage unfolds in stunning displays] that makes us aware of the great Indian civilizations. Now, I guess, 99 percent of the people are proud to have Indian blood."

Juan Gonzáles's Indian roots run deeply into prehistory. They first appeared in signs of human habitation near Mexico City about 24,000 years ago, the oldest reliable date for man's presence in the Americas. They trace an increasingly known pattern of cultural evolution after 10,000 B.C. In this, men slowly turned from hunting and food gathering and began to take up farming by about 5000 B.C. And, beginning sometime before 1000 B.C., they developed a sophisticated, urbanized life.

RELATING PAST AND PRESENT

Dr. José L. Lorenzo, chief of the Department of Prehistory of the National Institute of Anthropology and History (INAH), explains the relevance of Indian greatness to modern Mexico this way:

"We can't study the remote past as something exotic, unrelated to today," he says. "Our history is already there 24,000 years ago. In a real sense, we were there then. We can't divorce our past from our present and, to some extent, our future.

"We can't speak, as do some Europeans, saying 'Our very roots are where we are!' We are a mixed country. The European part of our heritage is well known. But, for the other part, we have to look to archaeology. So in Mexican archaeology, we are building up our history before the time of recorded history."

As they fill in this unwritten history, archaeologists gain respect for their Indian predecessors. They now know that the rise of great civilizations began sometime before 1000 B.C., earlier than supposed only a few years ago.

During the first millennium B.C., religious centers with pyramids and stone buildings and some true cities appeared. There were, for example, the Mayan Dzibilchaltún (dzee-beel-chal-tune) and Teotihuacán built near Mexico City's location by no one knows whom. Centers such as these were true, living cities with populations running to tens of thousands.

SPAIN ARRIVED LATE

By the time the Spanish arrived, several civilizations had come and gone. The Aztecs, Mayas and other sophisticated Indians who amazed the conquistadores stood on the shoulders of giants.

The Spanish found people still living in the stone age. They knew the principle of the wheel but apparently made no practical use of it. Their lives were regulated in detail by religious ceremony.

Yet, among them, these varied Indian peoples had a refined mathematics that included a notation comparable to the decimal system. Their astronomers could accurately forecast planetary positions and eclipses. Some of their calendars tracked the years more exactly than do our own.

More than this, they developed efficient political and administrative systems for running full-fledged nation-states. In some cases, they managed irrigation agriculture. International trade bustled. And some of them had market places rivaling those of Europe.

While they lacked some of the trappings of 16th-century European technology, archaeologists now realize that their achievements were mighty.

"We have new concepts," says INAH director Dr. Ignacio Bernal. "We have a much better understanding of the real nature of Indian society. We have more understanding of its political, economic, and religious structure.

"It has become much clearer how this is related to ceremonialism. Ceremony was something ingrained in Indian thought. It was how things were done, how things were thought about. Cities were divided ceremonially. For these people, the whole world was ceremony. The whole man was ceremony."

Yet, while the rites and prerogatives of the gods set the style, this did not prevent the Indians from thinking and acting like citizens and officials of a true state.

Take warfare, for example. Experts had thought of this mainly as a religious matter, often waged to get captives for sacrifice to different gods. But, explains Dr. Bernal, "conquest for these people was undertaken for economic and political reasons. This doesn't mean it wasn't also undertaken for religious purposes. It was the god that conquered. But the results were quite practical."

He adds that "the whole structure of thinking on Mexican archaeology has changed in the past few years. It is wrong to think in terms of simple societies based on family ties and not to consider it to be a true state situation.

MANY QUESTIONS STILL UNTOUCHED

"Many areas of the picture are still hazy. What role did western Mexico play? And northern Mexico was not involved. It was quite primitive.

"But, in central, eastern, and southern Mexico over the two or three thousand years before Cortés, there were major states. We think of no less than seven or eight major states, plus many more smaller ones."

To look at it another way, by Corés's time, Indian civilizations had reached a stage comparable to that of Near Eastern civilizations a couple of thousand years earlier. No one really knows why there was this lag. Some experts suggest it might be due to factors as basic as food.

American archaeologist Prof. John Paddock of the Museo Frissell de Arte Zapoteca in Mitla, Oaxaca notes, "The first plants appear to have been domesticated here around 7000 B.C., about the same time as plants were domesticated elsewhere. But, in the old world, men started with wheat and barley, grains that could provide a carbohydrate base for large populations.

"Here, they started with plants such as squash that are nice but that couldn't provide that kind of carbohydrate base. Corn was domesticated 2,000 years later. Perhaps this held back urbanization by 2,000 years."

If this were indeed true, it would be little wonder that the ancients considered corn a divine gift. However, archaeologists generally shy away from such simple explanations for major cultural development. Perhaps corn did play this crucial role in starting the development of civilization. Yet Dr. Lorenzo warns, "This can be said with reservations. But you must pay attention to other factors.

"For example, we are in the tropics. The Mideast is at higher latitudes. The ecological situation is different. Maybe there is something to such a theory. But we don't have enough information to know."

Whatever the determining factors, Mexican civilization was on an upward curve of development comparable to that of neareastern cultures 2,000 years earlier. One can only wonder how far and how fast it would have gone if the Spanish had not cut it down in midflight.

ACHIEVEMENT RECOGNIZED

Certainly Mexicans can, and do, regard the Indian achievement as a strong part of the heritage with which they now face the world. There's no chauvinism in this. "Mexican archaeology is part of mankind's history," says Dr. Lorenzo. "So in this worldwide research into man and his development, we are part of it."

This spirit permeates the National Museum of Anthropology, Mexico's showcase for archaeology and Indian culture. During the Olympic Games to be held in the fall of 1968 it will be embodied in an exhibit of archaeological treasures from countries taking part.

"Our central philosophy is teaching and maintaining a reservoir of ancient cultural production," explains museum director Dr. Arturo Romano. "The service of teaching is for all people of the world—black, yellow, white, brown, even green."

Over its entrance, the museum displays a twofold invitation. "Mexican," it says, "think of yourself in the mirror of this grandeur. . . . Foreigner," it adds, "contemplate here the unity of human destiny."

Mexicans hope that visitors to their country and especially to the Olympic Games this fall will find time to share this challenge.

## ORDER OF BUSINESS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## DRAFT LAW REVISION

Mr. YARBOROUGH. Mr. President, I have joined with Senator HART and others in cosponsorship of S. 3394, legislation to improve the system under which we select men for military service. I congratulate Senator HART for this effort to more equitably spread the burden of the draft.

The question of maintaining manpower for an effective defense system necessarily must consider a great deal more than the amassing of men to march into battles. National security and national defense are not just military concepts, and strictly military objectives need to be balanced carefully with other national needs and aspirations.

Fundamentally, no democracy can afford to lose sight of the fact that any system of conscription is, after all, a limitation of individual freedom and choice. At best, a draft law is a necessity to be temporarily tolerated by a free people. It is a mechanism set up to meet a need—as the need changes, the mechanism must change; and if the need disappears, the mechanism should disappear.

I do not consider any draft system short of total mobilization to be equitable, but if conscription is necessary, a draft law must be drawn to select men in the fairest, most equitable way possible.

At this moment we are engaged in an ever-deepening conflict that has interrupted the domestic pursuits of over 3 million young Americans and put more than half a million of them at a time 12,000 lonely miles away to fight in the swamps, the deltas, the hamlets, and the cities of Vietnam.

While a great many of these are volunteers, a sizable percentage find themselves there involuntarily—that is, they were drafted. Draftees are about 16.5 percent of our total military manpower around the world, but draftees are 42 percent of our Army strength in South Vietnam. A more significant figure, and a more tragic figure, is that draftees are 41 percent of Army fatalities in South Vietnam.

Our military manpower commitment in Vietnam is reported to stand at over

510,000. Our involvement is expected to reach the present ceiling of 549,500 American soldiers during the next few months. And the figure may go even higher under our present policy of steady escalation. Already there has been a reserve callup of about 24,500 men, 10,000 to be sent to Vietnam. And in February testimony before a House appropriations subcommittee, Selective Service Director Lewis B. Hershey admitted that, "if the war does not get over," the 1969 draft call would be up to 100,000 more men than the 240,000 men for which the Pentagon already has budgeted.

As the war in Southeast Asia expands and more and more of our youth are drafted, it is unavoidable that more and more of those draftees will wind up as war casualties. Official fatality figures released through the Public Affairs Office of the Department of Defense clearly document this tragic aspect of our expanding involvement in Vietnam. During calendar year 1965, American lives lost in Vietnam battles totaled 1,365; in 1966, that total surged to 5,008; last year, America lost 9,378 boys in this expanding war; and from January 1 through April 27 of this year—less than 4 months—6,009 American boys have died in Vietnam. At this tragic rate, more than 18,000 Americans could die in that bloody war this year—double the number of American lives lost there last year.

Any system that sends young men involuntarily into this battle—many of them sent to die—must be as fair and equitable a system as reasonable and concerned men possibly can draw it.

In late February, I joined with Senator EDWARD KENNEDY of Massachusetts and six other colleagues, including Senator HART, in the sponsorship of S. 3052, a comprehensive bill to revise the draft law. This legislation contemplates a thorough overhaul of the present system. While our bill does not pretend to provide an end-all or perfect solution, I believe it can serve as a meaningful basis for a public dialog that I hope will lead to the most equitable system possible.

Senator Hart's bill, S. 3394, on the other hand, considers one specific and very important aspect of draft law reform. Indeed, reversal of the order of induction to draft the youngest first, coupled with the implementation of a system of random selection, is the very heart of draft reform. Passage of S. 3394, then, would go a long way toward development of a more equitable Selective Service System.

The revisions contemplated in this bill are especially significant because of the devastating impact that the present law as now being administered promises to have on our Nation's graduate schools. Under the present law, most graduate students will lose their deferments in June and no more will be issued except in medical, dental, and allied fields.

Many people have pointed to these deferments as inequitable and elitist, since they imply that those able to afford college and then graduate school have effectively escaped the draft, while those less affluent must serve. There is some truth to this under the present law. I oppose a deferment becoming an exemption.

The answer, however, is not simply to draft all graduate students this June. Yet that is what the existing law proposes. By cutting all graduate deferments and drafting the oldest men first, our graduate schools soon will be composed only of women, draft rejects, and veterans.

At the conclusion of this academic year, in June. about 226,000 physically qualified college graduates will be available for the draft. The draft call for the fiscal year beginning July 1 is 240,000, but if the war continues, as pointed out earlier, General Hershey estimates the overall calls will have to be increased about 100,000 for the next year.

It must be presumed then that almost all of this pool of college graduates will be drafted. The Scientific Manpower Commission reported in March their findings that present draft rules will cut back by 70 percent the number of college men entering graduate school next fall.

During the Civil War, President Jefferson Davis of the Confederacy protested the enlisting of all southern boys then in school. He called them the "seed corn," and said that if the policy of enlisting all these boys were carried forward, there could be no future for the South.

The same is true today. If we take all of our bright youth from their graduate studies and thrust them into the Army, we will have done little to strengthen our military prowess, but much to weaken our intellectual prowess. This is an illogical and unproductive use of our greatest human resource—the educated mind. It is a waste no country can afford.

In my own State, graduate schools and graduate students alike are gravely concerned about their futures under the present law. I offer the following comment of Mr. J. M. Moudy, chancellor of Texas Christian University at Fort Worth as typical of the many that I have received from educators in Texas.

He writes me as follows:

> The effect on our graduate school enrollments will be staggering. In turn, the staffing of research projects (many of them defense oriented) and the teaching of undergraduates will be materially hampered, because graduate students are the largest single component in the staffs of our research projects, and in many institutions they teach many if not most of the lower-level undergraduate courses.

A letter to me from Stephen Wallace, a senior German major at Rice University at Houston expresses some of the frustrations that students feel under the present law:

> I am genuinely concerned about the real commitment of the government to education at this time. On one hand, millions of dollars are appropriated for programs like Fulbright, National Defense Education Act, and the National Science Foundation to provide fellowships for graduate students, but on the other hand, present Selective Service regulations prevent very many students from participating in these programs. The result is that very many students must interrupt their highly specialized education at a time when interruption will harm not only their personal careers but also their possible contribution to society as teachers and researchers.

I stress again, Mr. President, that no one suggests that graduate students per se as a class should be exempted from the draft. To the contrary, they should face the chance of selection as equitably as those who do not pursue graduate study. But at the same time, it is absurd suddenly to raid the graduate schools and drag onto the battlefield all of our best minds, and, along with them, the brightest hope for our future. Dean Claude Albritton of the Graduate School of Humanities and Sciences at Southern Methodist University at Dallas wrote to me of the need for this balance:

> In calling these matters to your attention, I am not arguing that graduate students should be considered as some leisured class, free to stroll the paths of Academia while others fight and die for their country. On the other hand, I feel that graduate students must be kept at the hard work of acquiring the multitude of scholarly, scientific and professional proficiencies which we must have if the quality of our society is not to deteriorate.

Clearly we must develop a fairer method of selection—one that does not totally deplete our graduate schools, and one that does not totally alienate our graduate students.

Under the provisions of the bill introduced last Friday there would be struck a reasonable balance between our educational and defense needs. By creating a "prime selection" group of 19-year-olds, deferred registrants whose deferments cease, and registrants between 20 and 26 who are not now deferred and have not been called, graduate students would be exposed to the draft equitably, but there would be no wholesale drafting from graduate schools.

The bill presents to us the opportunity to reform our Selective Service System so that it more equitably selects from our society, and more ably serves our society. I am pleased to cosponsor this legislation with Senator HART, and to lend to S. 3394 my full support.

Mr. President, I have received from Texas a great deal of correspondence in favor of selective service revision. I think that this correspondence is important as an indication of the problems that our citizens face under the present draft law. As documentation of the need in my State for reform of our draft system, I have selected the following seven letters and telegrams as representative of the many I have received: letter from Chancellor J. M. Moudy of Texas Christian University, dated January 17, 1968; letter from Dean Claude Albritton of the Graduate School of Humanities and Science, Southern Methodist University, dated January 17, 1968; telegram from Dean J. C. Williams of the Graduate School, Baylor University, dated February 26, 1968; letter from Wayne C. Hall, academic vice president and dean of the Graduate College, Texas A. & M. University, dated February 28, 1968; letter from Dean Fred D. Rigby of the Graduate School, Texas Technological College, dated March 1, 1968; letter from Mr. Stephen Wallace, student at Rice University, dated April 11, 1968; and, letter from Mr. and Mrs. Jaromin B. Becan, Sr., parents of a University of Dallas student, dated April 23, 1968.

I ask unanimous consent that these letters and telegrams be printed in the RECORD at this point.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

TEXAS CHRISTIAN UNIVERSITY,
*Fort Worth, Tex., January 17, 1968.*

Hon. RALPH W. YARBOROUGH,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR YARBOROUGH: It is hard to believe that the Administration and Congress and Selective Service will really implement the scheduled changes in the national draft.

Are you aware that these changes will *drastically* deplete the student bodies of the U.S. graduate schools? To implement a change producing such drastic consequences so quickly, is surely not in the best interest of the nation. The effect on our graduate school enrollments will be staggering. In turn, the staffing of research projects (many of them defense oriented) and the teaching of undergraduates will be materially hampered, because graduate students are the largest single component in the staffs of our research projects, and in many institutions they teach many if not most of the lower-level undergraduate courses.

Perhaps this result was not foreseen. I am sure there was no intention of crippling our nation's graduate education and research programs. (Indeed, it is ironic that the Administration and the Congress, after having done so much for graduate education through NDEA programs, now inaugurates or permits a program which will undercut the momentum which graduate education has attained in this country.) Intended or not, this will be the effect of the scheduled draft changes which will call for automatic deferment of all undergraduates and the drafting of oldest eligible and qualified registrants first. True, graduate students enrolled in the health and medical sciences will not be drafted, but there is nothing in our national situation which requires that we acknowledge the necessity for maintaining momentum in this field but not in other fields. It is hard to believe that the consequences of these changes have been adequately calculated.

Every educational organization we are a part of has repeatedly called to your attention the likely effects of these Selective Service changes. We remain baffled as to the lack of response. Your priority attention to this matter is earnestly requested.

Cordially yours,

J. M. MOUDY,
*Chancellor.*

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SOUTHERN METHODIST UNIVERSITY,
*Dallas, Tex., January 17, 1968.*

Hon. RALPH YARBOROUGH,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR YARBOROUGH: No doubt you are well aware of the growing concern among graduate deans regarding the predictably adverse effects of current Selective Service procedures upon advanced training and research in American universities. As dean of Southern Methodist University's Graduate School of Humanities and Sciences, I should like to explain how the indiscriminate drafting of the oldest of eligible and qualified registrants would affect our operations.

During the past several years SMU has developed doctoral programs in Statistics, Mechanical Engineering, Electrical Engineering, Geological Sciences, Economics, Anthropology, and Religion. An additional program in Physics is scheduled to begin next year. During the past five years our population of graduate students has more than doubled, and now stands at 434 in Humanities and Sciences and 941 in Engineering. By developing these programs of advanced studies we are attempting to remedy a deficiency in educational opportunity which has long been felt in our community and which is explicitly stated in Mayor Jonsson's "Goals for Dallas."

Under the policies of Selective Service which now seem likely to prevail, it seems certain that we cannot maintain our present momentum in expanding and improving advanced programs of training for a populous area in which such programs are badly needed. Indeed, we must face up to the possibility that some of the programs already begun may have to be suspended. I hardly know how to proceed in awarding the new fellowships which we have been granted for the next academic year.

Drafting of large numbers of graduate students would also have an adverse effect on research and on undergraduate instruction. Graduate students gain much of their training either as assistants to professors who are working on research projects or as teaching assistants in the undergraduate college. With increasing numbers of freshmen clamoring for admission, we shall be hard pressed to find graduate students who can provide part-time instruction in laboratories and discussion sections.

In calling these matters to your attention, I am not arguing that graduate students should be considered as some leisured class, free to stroll the paths of Academia while others fight and die for their country. On the other hand I feel that graduate students must be kept at the hard work of acquiring the multitude of scholarly, scientific and professional proficiencies which we must have if the quality of our society is not to deteriorate.

I hope, therefore, that graduate deferments will not be ended—or, if they must be, that some random selection system similar to that proposed by the American Council on Education will be adopted.

Sincerely yours,

CLAUDE ALBRITTON,
*Dean.*

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BAYLOR UNIVERSITY,
*Waco, Tex., February 26, 1968.*

Senator RALPH YARBOROUGH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR YARBOROUGH: May I respectfully suggest that you give serious thought to the written recommendation made to you regarding the draft by the Council of Graduate Schools. Our graduate schools will be seriously hurt if present draft rules are followed. The most serious damage, however, will be to our Nation's educational system in the years to come. Your support in this matter will be appreciated.

Sincerely,

J. C. WILLIAMS, Ph.D.,
*Graduate Dean.*

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TEXAS A. & M. UNIVERSITY,
*College Station, Tex., February 28, 1968.*

Hon. RALPH YARBOROUGH,
*U.S. Senate,*
*Washington, D.C.*

MY DEAR SENATOR YARBOROUGH: I am writing to express my deep concern about the effect that the Military Service Act of 1967 will have on the graduate program at Texas A. & M. University as well as other universities and colleges in the U.S.A. We have made a study at Texas A. & M. University to determine what effect the Act will have on our Fall, 1968 graduate enrollment. The estimates resulting from this study indicate a potential maximum 40% reduction in first- and second-year graduate students if all subject to military service are actually drafted. A reduction of this magnitude, for even a single year, portends immediate disruptions in existing teaching and research programs. Extension of the law beyond a year will create even greater problems for university programs that depend heavily on graduate student man power.

In order to ameliorate the situation facing Texas A. & M. University and all other universities and colleges with graduate programs, I strongly endorse the proposal by the American Council of Education and the Council of Graduate Schools. If the Congress of the United States would amend the Military Selective Service Act of 1967 to conform with this proposal, existing teaching and research programs could, for the most part, continue to function in a reasonably normal manner. This or a similar proposal would also reduce the hiatus of trained man power which will otherwise be serious for many years to come in all elements of our technologically oriented society.

Please don't misunderstand, I am not asking for blanket deferments of young men that are needed in the service of their country. Rather I am asking that the Congress consider enacting a proposal that I think is entirely feasible, and which would permit educational institutions under the circumstances to continue to function at the greatest possible level of efficiency and productivity and in the best interests of the nation.

Sincerely yours,

WAYNE C. HALL,
*Vice President and Dean.*

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TEXAS TECHNOLOGICAL COLLEGE,
*Lubbock, Tex., March 1, 1968.*

Senator RALPH W. YARBOROUGH,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR YARBOROUGH: Since efforts are being made by some to get the congress to modify the law covering Selective Service, I write to indicate some of the problems Texas Tech faces under present provisions as they affect graduate Students.

We do not have a good estimate of how much graduate student enrollment will drop next fall but the national scale guess of forty (40) percent, if applicable, would combine with an otherwise expectable growth of ten (10) to twelve (12) percent to suggest a drop near thirty (30) percent. This will be damaging in itself but a more serious feature arises with regard to quality. The opportunities for admission to prestige schools will presumably be better than they have been recently, bleeding off many of the better students who might otherwise come here. As you know, we are striving for excellence by every means at hand; one thing we need very badly is more *good* graduate students. They help attract good faculty, make it easier to do good research and in the longer run will build our reputation. Thus a severe blow is in store for us. We do not contemplate lowering standards of admission to our graduate degree programs but we had planned on raising them another step soon and this action will certainly have to be delayed, probably not less than two years.

Texas Tech—like other universities—relies rather heavily on graduate students for the teaching of lower division undergraduate courses. Given appropriate supervision the quality of such teaching is excellent and the experience is a most valuable component of the student teaching assistant's advanced training, *whether or not* he ultimately goes into college teaching as a profession. The pool from which we draw teaching assistants will now be reduced to a point where selection of marginal prospects will be a very strong temptation. The alternative of hiring additional faculty is costly—in the face of slight chance of the needed additional resources—and is, itself, inhibited by the discontinuation of occupational deferments.

The effect on research will be quantitatively smaller here than at older, better established universities because our research program is not as well developed. However, here again we are making our best efforts to

enhance our competence and reputation for research and the pool from which we may select graduate research assistants will be reduced—more severely than in the case of teaching assistants, since a less common talent is required and the market for that talent is going to be very good.

In all, though we do not *know* what will happen to us, none of the prospects look at all attractive. Although it is not my intent to urge any particular action, except in the general terms of elimination of the discrimination against graduate students inherent in the present situation, I shall conclude by listing in order of seeming feasibility some desirable steps.

(a) Protection of a graduate student already enrolled from being pulled out in mid-semester.

(b) Abandonment of the "oldest first" selection principle as applied to eligible young men.

(c) Conversion to a random choice device; the "meet local needs" principle, well served by the existing system, is actively unfair to graduate students whose action domain is not at all on a "home town" scale.

(d) Installation of a truly uniform national service plan which takes every physically and mentally qualified individual, male and female, at a suitable age, assigning him or her to a type of service appropriate to needs and abilities. (Obviously, this is not feasible in short run, but fairness cannot be even approached without it, in my view, so I include it anyway.)

In closing I remark that a suggestion I have heard that deferment of graduate students discriminates against young men whose parents cannot afford to send them to college (graduate school, presumably) does not fit the facts regarding our graduate students. They are on their own, by and large, not supported by parents! To be sure, they would not be graduate students if they had not been through undergraduate college but it does not seem just that their ambition to becomes still better qualified citizens should turn into a disadvantage.

Sincerely yours,

FRED D. RIGBY, *Dean.*

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NACOGDOCHES, TEX.,
*April 11, 1968.*

Senator RALPH YARBOROUGH,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR YARBOROUGH: I am a senior German major at Rice University in Houston, Texas. I intend to get a Ph. D. in general linguistics and teach at the university level.

Last week I was informed that I have won a Fulbright Fellowship to study at the University of Marburg in Germany next year; and five of the six American graduate schools I applied to have offered me complete fellowships (tuition plus maintenance stipend) funded either by the National Defense Education Act Title IV money or by National Science Foundation money.

This week, however, I had an interview with my draft board and was informed that present Selective Service regulations, as determined by the Congress and the President, would not allow me under any circumstances to be deferred either to accept the Fulbright (which I would prefer) or to go to graduate school at all next year. So I have been forced to decline the Fulbright, and I will be unable to use any of the other graduate fellowship awards, since I will be almost certainly inducted into the service this summer. My only recourse is to reapply for all of these after I leave the service, since *none of them have automatic postponement in case of required military service.*

I am genuinely concerned about the real commitment of the government to education at this time. On one hand, millions of dollars are appropriated for programs like Fulbright, National Defense Education Act, and the National Science Foundation to provide fellowships for graduate students, but on the other hand, present Selective Service regulations prevent very many students from participating in these programs. The result is that very many students must interrupt their highly specialized education at a time when interruption will harm not only their personal careers but also their possible contribution to society as teachers and researchers. Also, much of the government money made available for fellowships will not be put to the best use, since many of the most qualified students will be unable to stay in school because of the draft.

I sincerely hope that you will take this letter into consideration when considering future education and Selective Service legislation.

Very truly yours,

STEPHEN WALLACE.

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FORT WORTH, TEX.,
*April 23, 1968.*

DEAR SENATOR RALPH YARBOROUGH: Next month our son Jaromin Joseph Jr. will receive a Bachelor of Arts degree in mathematics from the University of Dallas. He has received Honorable Mention from the National Science Foundation. He is in "Who's Who in American Colleges and Universities" for 1967 and 1968, and has been named a Woodrow Wilson Foundation Designate.

As you know the Woodrow Wilson Designates are students who have been recommended by the faculty of their university and have been interviewed by members of the Woodrow Wilson Foundation committee and found worthy to further their education. Only 1000 students have been so designated in the United States and Canada.

Of the many offers our son has received he has accepted an offer of Assistanceship from Tulane University of New Orleans, Louisiana. He plans to pursue a career in college teaching which is certainly needed in our country right now. His draft deferment is up June 1st.

We, as his parents, would like to know why these worthy students cannot be automatically deferred from draft to further their studies for the good of this country and what you could do about these 1000 good minds.

Respectfully yours,

Mr. and Mrs. JAROMIN B. BECAN, Sr.

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## STUDENT DEMONSTRATIONS AT THE UNIVERSITY OF VIRGINIA

Mr. SPONG. Mr. President, Dr. Edgar F. Shannon, president of the University of Virginia, issued a timely statement last week in which he set forth the regulations of that institution regarding student demonstrations.

The keystone provision of these rules specifies that students of the university may dramatize opinions and buttress their arguments by public display so long as the participants do not interfere with the rights of others in the pursuit of their education.

The University of Virginia, founded by Thomas Jefferson, is well known for its honor system and its respect for student freedom. Dr. Shannon emphasized the responsibilities that accompany these long-standing traditions.

Jefferson once said about his university:

This institution will be based on the illimitable freedom of the human mind. For here we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.

Mr. President, in light of recent disruptions on other campuses I commend his statement to the Members of the Senate and ask unanimous consent that it be included in the RECORD, together with an editorial entitled "The University of Virginia Points the Way," published in the Richmond Times-Dispatch.

There being no objection, the statement and the editorial were ordered to be printed in the RECORD, as follows:

(EDITOR'S NOTE.—The statement that follows was issued by Dr. Edgar F. Shannon Jr., president of the University of Virginia, following a meeting with student leaders. The statement appeared in yesterday's issue of the Cavalier Daily, the student newspaper.)

Recent disorderly demonstrations have disrupted the academic work of many universities and colleges, resulting in hardships to both students and faculty. For example, many graduate and professional students at Columbia University may be prevented from completing their thesis and other requirements to qualify for the degree upon which next year's job may depend. This is what happens when libraries and laboratories are closed during a critical period of the year and comprehensive and oral examinations have to be cancelled. These are some of the tragedies that tend to go unnoticed.

At the University of Virginia the rights of minorities, majorities and individuals are equally respected. This includes the right to dramatize opinions and buttress arguments by public display—so long as the participants do not interfere with the rights of others. Picketing and other demonstrations have been regulated here for some years under requirements adopted and enforced by Student Council.

In view of the tragic and wasteful excesses elsewhere, I invite attention to the rules and regulations of the Student Council and the Board of Visitors governing conduct.

ON DEMONSTRATIONS

Demonstrations and picketing by student groups are under the jurisdiction of the Student Council and must conform to Council rules and regulations, which provide

(a) Notice of a demonstration must be filed with the Student Council office 96 hours in advance.

(b) Only organizations recognized by the Student Council may sponsor demonstrations on the University Grounds.

(c) Picketing is not permitted inside buildings.

(d) Outside picketing must not be carried on so as to interfere with entrance traffic or the normal flow of pedestrian and vehicular traffic.

(e) Precise boundaries and number of those picketing will be set by agreement among the Student Council, Department of Security, the organizations involved, and those in charge of any building specifically involved.

(f) Lack of substantial compliance with these rules and regulations or failure to register will result in a reconsideration of recognition by Student Council for noncomplying organizations.

It also seems appropriate to emphasize the rules of conduct for students set forth in University of Virginia catalogues as follows:

"CONDUCT

"Students of the University are expected to conduct themselves as ladies and gentlemen, both within the University and elsewhere. For student conduct which is outside the jurisdiction of the Honor Committee but which tends to discredit or injure the University, the president is authorized by the Board of Visitors to impose such penalty as he may deem appropriate, including expulsion from the University. This authority has been delegated by the president to the Student Judiciary Committee, subject

to review by the president or his delegated representative. When the penalty for bad conduct is expulsion, the student may appeal the decision to the Board of Visitors.

"Any student found guilty of participating in or inciting a riot or an unauthorized or disorderly assembly is subject to suspension."

To prevent misunderstanding, I add the following clarification:

(1) When an assembly of students not authorized by the Student Council has been requested to disband by the president or other officer of the Student Council, or by a dean, department head or other administrative officer, students refusing to comply will be subject to immediate suspension.

(2) In the event that an assembly appears to be a demonstration related to grievances, those present should be advised that orderly procedures for the hearing of grievances are available and must be adhered to. University officials will not negotiate with such groups under conditions of duress, such as unauthorized occupation of University property.

THE UNIVERSITY OF VIRGINIA POINTS THE WAY

The admirable statement from President Edgar F. Shannon of the University of Virginia, published in full on this page, brings a breath of fresh air into the fetid atmosphere of spineless permissiveness that has engulfed so many college and university campuses. Dr. Shannon has set an example that should be widely followed.

Students refusing to disband at the request of University of Virginia or Student Council officials "will be subject to immediate suspension," he says. Furthermore, "university officials will not negotiate with . . . [demonstrating] groups under conditions of duress, such as unauthorized occupation of university property."

The foregoing admits of no misinterpretation. If any small minority of agitators tries to take over the institution at Charlottesville, in defiance of regulations, it will soon find itself out on its ear. That is precisely as it should be, and President Shannon is to be highly complimented for showing the way to the nation on this issue.

Of course, there are many institutional heads who are keeping their hands on the helm without fanfare, and whose campuses have been altogether quiet. They are to be commended. But the University of Virginia president has stepped out and publicly enunciated firm plans for the orderly adjudication of student grievances. His example should be widely followed.

## ORDER OF BUSINESS

Mr. MANSFIELD obtained the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TAX INCREASE AND BUDGET REDUCTION PROPOSALS

Mr. MANSFIELD. Mr. President, on Friday last, at the conclusion of the outstanding and candid press conference held by the President of the United States, I had some remarks to make on his performance, which I thought was superb, and his frankness, which I thought was necessary if not mandatory in view of the financial situation which confronts this country today.

During the course of those remarks, I indicated my support for a 10-percent surcharge on income tax payments of those receiving $5,000 a year or more, for a sizable reduction below the budget requests of the President submitted to Congress in January of this year, and also for a very sizable reduction in expenditures, because of the difficulties which confront this Nation at this time.

Anticipating that some would ask, "Where will you make the cuts?" I stated that cuts could be made in the research and development programs directed by the Department of Defense. These programs have been authorized to receive close to $8 billion for the next fiscal year—a 10-percent increase over last year's budget—and I selected the Research and Development Division of the Department of Defense because of the thousands of existing contracts it has with individuals, companies, schools, corporations, and the like, covering a variety of projects and studies—costing, in some instances, millions of dollars—many of which could be done away with entirely, or transferred to other departments instead.

Then, of course, I anticipated that foreign aid would be cut further this year below the request, and I indicated that I felt it was far more important, speaking of the space program, to take care of people who live on this planet, rather than to continue exerting superhuman energies costing huge amounts of money to try to be first on the moon.

I also mentioned—and this would affect every Member of Congress—the matter of reduction in public works, and the possibility of a sharp reduction in the number of U.S. troops and dependents in Western Europe. The troops and dependents number something on the order of 600,000 today, and the cost of keeping them there, as I understand it, is in excess of $2.5 billion a year.

I mentioned the possibility of bringing about a reduction in defense expenditures in relation to Vietnam, without in any way taking away the security and the protection of our troops over there, if and when deescalation takes place.

I think we ought to keep in mind that another possibility would be the reinstitution of the luxury taxes which were taken off by Congress just a few years ago; and certainly, in that area, it would appear to me that payments could be made to help bring about a reorientation of the financial structure which confronts this country today.

For some time I have been asking that serious consideration be given to the reinstitution of Regulation W, which concerns consumer credit buying, which, if my memory is correct, now exceeds $115 billion annually.

Also, we should consider the possibility of introducing price and wage controls to bring about stability in those areas.

Mr. President, this morning I received a letter from the President of the United States, as follows:

DEAR MIKE: I appreciate so much your attitude on the necessity for taking action on the tax surcharge at the earliest possible moment.

We have talked about the importance of this matter before.

I wanted you to have a late memorandum from the Council of Economic Advisers which I thought quite good. It prompted my discussing again with the leadership and appropriate committees the need for passage of the tax surcharge, which is of such vital importance to the national interest.

I know that you will do all you can to help us get a realistic measure passed at the earliest possible date.

Sincerely,

LYNDON B. JOHNSON.

Mr. President, I should like to read to the Senate a memorandum prepared for the President by Mr. Arthur M. Okun, the Chairman of the Council of Economic Advisers, under date of May 2, 1968. The memorandum concerns the tax bill, referring to the surcharge tax which the President has requested time and time again for more than 2 years to my personal knowledge.

The memorandum reads:

MEMORANDUM FOR THE PRESIDENT FROM THE CHAIRMAN OF THE COUNCIL OF ECONOMIC ADVISERS, MAY 2, 1968

1. The tax bill will bring the present hectic pace of economic advance down to a *reasonable and safe speed.*

The *record GNP increase* of $20 billion in the first quarter—a 10% annual rate—is clearly *unsustainable.*

The huge Federal Budget deficit is fueling the excessive advance; the tax bill would *take our foot off the gas.* With reckless driving we take unnecessary risks of a crash.

2. The tax bill will *insure the strength of our record prosperity,* now in its 87th month. Good fiscal management contributed greatly to the tremendous progress of the 1960's, and poor fiscal management would jeopardize the gains.

In the past 7 years, the *growth* in our real GNP (corrected for price increases) has been nearly $250 billion, as much as the *total output* of the Nation as recently as 1938.

The *real income* (after taxes) of the *average American* has increased 31%, as much as in the preceding 19 years combined.

3. The tax bill will *curb inflation* and start us on the road back to price stability.

Our Nation's spending is spilling over into higher prices because we are trying to buy more than even our immensely productive economy can produce.

Our present 4% rate of inflation is unacceptable. Inflation is the *cruelest tax,* throwing the burden on the weak and the poor.

For those who cannot defend themselves against inflation, a 4% price increase is far more costly than the penny-on-a-dollar tax surcharge.

Once an inflationary spiral gets going, Congress can't repeal it. But a *tax increase can be taken off the books* as soon as it is no longer necessary.

4. The tax bill will *halt the dangerous tightening of money.*

For the first time in nearly 50 years, the *Treasury has to pay* 6% to borrow, because of the huge deficit.

*Mortgage rates* are approaching 7% on the average, and are running way above that in many areas. For the average homebuyer, an extra percentage point of mortgage interest costs more than the surcharge—well over $100 a year for many years.

Money is beginning to get scarce as well as expensive. Homebuilders should not be forced to suffer a repeat performance of 1966.

5. The tax bill will *bring our budgetary deficit down to a safe size.*

In a prosperous economy, there is simply *no excuse for two $20 billion deficits* back to back.

Our *war effort* can and should be financed responsibly.

6. The tax bill will *promote recovery in our world trade position.*

A significant part of the Nation's excess spending is slopping over into added imports.

In *March,* our trade performance deteriorated to a record low, running *in the red by $158 million.* Last year, we were $344 million a month in the black, and that wasn't good enough.

7. The tax bill will generally *strengthen our balance of payments and international position.*

Demonstrating that we are managing our economy soundly will strengthen *world confidence in the dollar.*

The *SDR agreement and the Washington gold accord* showed the power of international cooperation. We have to meet our responsibilities to maintain that excellent spirit.

8. The enactment of the tax bill will be a *convincing success for the democratic process.*

It will show that our ability to promote prosperity *works both ways:* to apply the brakes—when needed—as well as the gas.

We can prove we are willing and able to take *unpleasant—but essential—medicine, even in an election year.*

9. In comparison with all these benefits, the tax increase imposes *relatively small costs.*

It will take away only an average of a penny on a dollar of income and only for a limited time. It will leave Americans $13 billion ahead on their tax bills, compared to the rates that were in effect in 1963.

It is so important that the Administration is willing to cut deeply into an already stringent Budget in order to produce a broadly-based, nonpartisan compromise.

ARTHUR M. OKUN.

Mr. President, I hope that the Congress as a whole will face up to its responsibility, as the President has faced his, and that the necessary measures will be taken to reduce expenditures, to reduce the budget request, and to pass a surcharge on the income taxes of those whose incomes amount to $5,000 a year or more. In this way, those with the least income will not be affected.

The time is long overdue for talk. The time is now here for action.

I repeat that I hope we will all, in both Houses, face up to our responsibility. I am happy to note that in that respect the Senate has, of its own accord, done what it considered necessary to face up to the crisis which confronts our Nation today.

## STUPIDITY OR CORRUPTION

Mr. YOUNG of Ohio. Mr. President, whether this is due to stupidity or corruption, I do not know, but last January while in Vietnam and Laos, I encountered many hundreds of AID civilian officials. They were all over the place, enjoying salaries and allowances such as $25,000 a year for field coordinator and higher salaries and allowances in other high-sounding positions.

I learned that some high AID official ordered 10,000 blacksmith anvils purchased at taxpayers' expense and then shipped to Vietnam. These anvils reached Saigon in 1965 and are now in storage in a Saigon warehouse. A top AID official said:

No one knows what they're for or can give a reason for this shipment. Don't blame me.

Also a huge quantity of winter flying suits purchased with AID funds which, of course, come from our taxpayers' money, were shipped to Saigon and are now in storage in warehouses there. I hesitated to make further inquiry fearing AID officials had also purchased and stored mink coats for displaced persons and refugees.

Since the successful Viet Cong Tet offensive and destruction due to house-to-house fighting, AID officials are now seeking a congressional appropriation of $1 billion in economic aid for Vietnam. This should be defeated. Also, very definitely, some AID officials should be dismissed, in fact prosecuted, for corruption in buying and shipping those anvils and winter flying suits. Our appropriation for these overpaid and unneeded officials should be drastically cut. Or, should we be thankful they did not also ship to Vietnam, with an average temperature in the low 80's, heating pads, gas furnaces, and expensive fur coats?

Mr. President, I hope that when the appropriation for AID comes before the Senate for debate and vote my colleagues will bear in mind some of these actions on the part of AID officials in Laos and Vietnam.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). Without objection, it is so ordered.

## VIETNAM AND THE DOMINO THEORY

Mr. FULBRIGHT. Mr. President, recently, Mr. Donald Zagoria, one of the most eminent authorities in this country on Asian affairs, wrote a most perceptive and persuasive article which was published in the New York Times magazine section, on the so-called domino theory which many people have used to try to justify our involvement in the Vietnamese war.

Mr. Zagoria explains the theory very well and makes a real contribution to the clarification of our understanding of this most complicated subject.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO'S AFRAID OF THE DOMINO THEORY?

(By Donald S. Zagoria) [1]

For almost two decades, American policy in Asia has had as its central focus the containment of Communism. Our military and economic aid programs, our choices of allies, our priorities, and our present commitment to oppose Communism in Vietnam are all directly related to this central goal of containing the expansion of Communist power. One basic premise consistently advanced to justify that policy has been the so-called "domino theory." Although this "theory" has recently again been given national prominence by the Johnson Administration in rationalizing our involvement in Vietnam, it was first enunciated by President Eisenhower and has been a touchstone of our Asian policy ever since the Korean war.

The new American peace offensive in Vietnam, and President Johnson's dramatic decision not to run for reelection, make particularly urgent an examination of the premises on which the domino theory has been based, particularly how, or if, it relates to Vietnam. For while the prospects for a negotiated settlement of the war depend in part on Hanoi, they also depend on what kind of a settlement we are prepared to accept in Vietnam and this in turn depends on how big we believe the stakes are. If, for example, we believe that a settlement far short of American expectations will jeopardize the security of many other Asian nations, and even our own, this will dictate one course of action at the peace table. If, on the other hand, we believe that such a settlement will have little impact on the security of other Asian nations or our own, a different course of action at the peace table woud be indicated.

The domino theory can, of course, be stated in terms with which almost any student of international politics would agree. It is obvious, for example, that what happens in one part of the modern world has reverberations in other parts. It is equally obvious that if the United States does not honor its "commitments," there will be adverse reactions among our friends and allies. But this begs the important question of how we interpret and meet the variety of "commitments" we have. In short, there are some aspects of the domino theory even as stated by the Administration with which I would agree. But what this article takes issue with is the more extreme, and unfortunately the more common, interpretation of the domino theory put forward by some Administration spokesmen.

That domino theory can be broken down into three propositions, each of which deserves separate examination. First, China seeks to dominate Asia, and a settlement in Vietnam short of the American Administration's expectations will greatly facilitate the achievement of that and other Chinese goals; second, such a settlement will weaken the confidence of our non-Communist allies in American determination to defend them; third, such a settlement will greatly increase the likelihood of other Communist-led "wars of liberation."

Before taking up the first proposition, it is necessary to examine briefly China's goals in Asia and the world and to determine how a compromise settlement in Vietnam is likely to affect those goals. I believe China's foreign-policy objectives are basically three: getting back Taiwan; having friendly neutral nations on its periphery, free of both American and Soviet influence and following China's lead in foreign policy, and establishing China among the great powers. In the long, long run, China wants friendly and Communist regimes on her border.

It is hard to see how any likely outcome in Vietnam will affect Taiwan or will speed up China's long and difficult effort to become a great power. For reasons I shall come to, I do not think an advance for Communism in Vietnam is likely to be duplicated elsewhere in Asia. So far as the second Chinese objective is concerned, it seems likely that both the United States and the Soviet Union will—much to China's dismay—play prominent roles in the Vietnam settlement, and in Southeast Asia after the settlement is achieved. Russia's influence in North Vietnam has been rising steadily over the past year or two at the expense of China's, and

[1] Donald S. Zagoria is director of the Research Institute on Modern Asia at the City University of New York/Hunter College and author of "Vietnam Triangle: Moscow, Peking, Hanoi," published late last year.

it seems likely that any future government of South Vietnam, even if it is eventually dominated by Communists, will want American help in rebuilding the country.

Neither a Communist government in North Vietnam nor a left-leaning coalition in South Vietnam is likely to throw itself into the arms of China unless it is permitted no alternatives. One of the major purposes of the United States in any Vietnam negotiations should in fact be to turn those negotiations into a larger settlement for Southeast Asia—a settlement to be guaranteed by a number of major powers, including France and the Soviet Union. Not only would such a settlement not represent a victory for China, it would represent a drastic setback for Mao's efforts to eliminate Russian and American influence from Asia.

It is, in fact, obvious that Mao is deeply worried about the possibilities of such a settlement. This is why he has accused the Russians of working hand in glove with the United States in Vietnam and has consistently taken a much tougher line on the terms for negotiations than Hanoi itself has.

Nothing would suit the Maoists more than an indefinite continuation of the Vietnamese war, which debilitates the United States without much cost to China and threatens to undermine the Soviet-American *détente*. I do not believe that any likely negotiated settlement in Vietnam is going to constitute a victory for Peking, and the best indication of that is Peking's consistent and vehement opposition to negotiations. Indeed, it seems quite likely that Hanoi's offer to meet with American representatives was not known in advance by the Chinese. It was certainly not met by any enthusiasm.

Beyond this, however, is the fact that China's power in Asia is dependent much more on factors other than what happens in Vietnam. These factors include: (1) China's ability to develop into a modern industrial power in the near future; (2) her capacity to influence by nonmilitary means either the internal or external policies of Asian countries; (3) her opportunities to exploit interstate rivalries in Asia; (4) the extent of countervailing power in Asia; (5) the success China has in exploiting its nuclear weapons capacity.

On the question of China's ability to develop into a modern industrial power, the fact is that Peking is still very far from that goal. Mao Tse-tung has said that it may take a hundred years of struggle before China becomes a modern industrial power. The Chinese economy has been growing at an average rate of 3 per cent per year, a rate that is far from spectacular and not much higher than India's. The Cultural Revolution has currently further weakened China's economy and national capabilities in all spheres and it may well take a decade or more for China to resume its march toward industrialization and national unity. The chances are, then, that whatever happens in Vietnam, China will remain an underdeveloped country for the foreseeable future.

This fact of life could force a turning inward on the part of the post-Mao Chinese leadership in order to deal with the critical and burning problem of industrializing China. There is evidence to suggest that the "revisionist" opposition to Mao wants to attach greater priority to modernizing China's economy than to frittering away China's resources in external adventures.

Next, China's capacity to influence policies of other countries by nonmilitary means has considerably lessened in recent years. This has come about not as a result of Vietnam, but because of a dogmatic Chinese approach to the outside world. The Chinese approach has failed for two reasons. One is that China found it impossible to carry water on both shoulders—that is, to woo underdeveloped countries while supporting anti-Government oppositions in the same countries. The other is that China failed in its effort to isolate the Third World from both the United States and Russia.

Most of the underdeveloped countries, while they are suspicious of both superpowers, are nevertheless unwilling to cut all economic and political ties with them as the Chinese have suggested they do. The result has been not the isolation of Russia and the United States, but the isolation of China. At the moment, China has diplomatic relations with some 40 countries but it has diplomatic representatives left only in about five. Nothing that happens in Vietnam will enable China to recover from this isolation without a radical change in Chinese foreign policy.

Although China has from time to time employed or threatened force to achieve some of her goals, the use of force has been confined almost completely to areas which were traditionally part of China, such as Tibet and the offshore islands, or, in cases such as the Korean War, where China felt her own security to be threatened. The use of force against India was brief and limited and was not meant to annex large portions of Indian territory but to force Indian concessions in disputed territory. China has not used force to support revolutionaries abroad and has made it clear to them that they can come to power only through their own efforts.

To discuss the third factor relevant to China's power in Asia—China's ability to intervene successfully in interstate rivalries—is to recall that China's greatest gains in Asia in the past have been achieved not by supporting revolutionaries, but by supporting one Asian power against another in local disputes. The friends it has picked up in Asia from time to time—Indonesia, Pakistan, Cambodia—were all gained in this manner. China supported Indonesia against Malaysia, Pakistan against India and Cambodia against Thailand and South Vietnam. But in none of these instances have the Chinese been able to convert friends into permanent allies. If China scores future successes in Asia, it will likely be by the same method of exploiting such rivalries among the smaller Asian states rather than by supporting revolutionary movements inside these countries.

What of the extent of countervailing power in Asia, the fourth factor related to Chinese power? Of course, China's capacity to influence other Asian nations could greatly increase if there were no countervailing power at all in the area. But the United States is sure to retain a presence in Asia, whatever the outcome in Vietnam, even if that presence is more restricted than it is now.

Moreover, so long as Moscow and Peking remain divided, a Soviet presence in Asia is likely and even desirable. Witness the constructive role played by the Russians in trying to bring Pakistan and India together at Tashkent—a move aimed against the expansion of Chinese influence in southern Asia. Witness, too, the most significant upshot of the nuclear test-ban treaty—that Russia and the U.S. are prepared to act in concert to prevent and to punish aggression by other nuclear powers such as China against nonnuclear powers. Many of the smaller Asian powers look toward Russia as a counterweight to China. Finally, no one should overlook the growing political and economic role of Japan in Southeast Asia and its meaning for stability in the area. In sum, China's power in Asia hinges far more on such factors than on what happens in Vietnam.

The fifth factor is China's ability to exploit its nuclear weapons capability. This problem is likely to become acute, however, only after China has acquired the capacity to attack the United States with an intercontinental delivery system, a development that could lead to a crisis of confidence similar to the one we have faced in Europe in recent years. India, for example, may then begin to wonder if the United States will risk a Chinese attack on Boston for the sake of protecting Assam. But China will not have such an intercontinental capability until the nineteen-eighties. China is the only Asian nation with a nuclear capability, but this has not been enough to prevent a drastic decline in Chinese influence throughout Asia in recent years.

Finally much will depend on the outlook and strategy of the post-Mao leadership. We can be optimistic in this regard because the principal opposition leaders who command considerable support in the party and army have indicated a deep disillusionment with Mao's foreign policy, a desire to reduce tensions with both the Soviet Union and the U.S., and a desire to cut back on support to foreign revolutionaries. An imaginative American policy in Asia would seek to use the Vietnam settlement as the beginning of a detente with China. Even if such a detente cannot be achieved so long as Mao rules in China, it would be wise to begin making the kind of overtures that could be seized on by a post-Mao leadership. One thing is certain. Our relationship with China will have a much greater impact on Asia, and the world, than the outcome in Vietnam.

The second proposition subsumed under the domino theory is that a Vietnam settlement short of present U.S. goals will weaken the confidence of our Asian allies in American determination to defend them. In the early nineteen-sixties, the American will was in doubt in many parts of Asia. But after an investment in Vietnam of 500,000 troops and more than $20-billion a year, what is in doubt now is not the American will but the American ability to shore up governments that do not have the support of their own people. The governments and people of Asia are aware that what is wrong in South Vietnam is the failure of South Vietnamese leadership, not of American resolve. The major lesson to be learned from South Vietnam is that the United States cannot inject its own power to fill a political vacuum caused by the inadequacies of an Asian elite.

Moreover, now that we are so heavily involved in Vietnam, if we do not simply pack our bags and leave, deserting the South Vietnamese who fight with us, but stay to work out the best possible terms of a settlement, we will make crystal-clear to all Asians that if South Vietnam eventually goes Communist it was not because of American vacillation. Most non-Communist Asian leaders do not fear an accommodation in Vietnam that could eventually bring Communists to power there so much as they fear that from the one extreme of total involvement we will then shift to complete withdrawal from the area.

This attitude was reflected in a recent statement by Philippine President Marcos, who said that a settlement in Vietnam that "was not peace at any price or a complete surrender to the Communists would not affect the Philippines too much." Marcos went on to say that this would be of concern only if it signaled the start of a gradual U.S. withdrawal from Asia.

This legitimate fear of American overreaction to a Vietnam settlement is the price we pay for a policy and a rhetoric based on dominoes. If we talk and act as if a Communist victory in South Vietnam is the beginning of a surge that will force us back to Hawaii, we can hardly blame President Marcos for fearing that we contemplate withdrawing to Hawaii. Those who speak of dominoes are responsible for generating these fears by posing the issues of American foreign policy unrealistically in terms of total commitment or total withdrawal. If we stop talking of dominoes and rather begin calmly to reassure our Asian allies that we intend to remain in Asia—whatever the outcome in Vietnam—we can allay Asian concerns.

The third and most mischievous part of the domino theory holds that the outcome in Vietnam will determine future Communist strategy all over Asia. Of course, Com-

munist parties throughout Asia will watch developments in Vietnam closely and will draw certain lessons from them. But the outcome in Vietnam will not be decisive in determining the future strategy of Asian Communist parties.

Several Asian Communist parties, like the Thai and Burmese, are already pursuing guerrilla tactics without great success. On the other hand, in India the Communists continue to contest elections with considerable success in certain states. It seems likely that in each of these cases past local experience will determine future strategy much more than the outcome in Vietnam.

In the former days of monolithic Communism, the entire Communist movement changed its strategy in accordance with the winds blowing out of Moscow. But in the present period of pluralistic Communism, each party is free to follow a strategy tailored to its own local needs and conditions. The Communist movements are now aware, if they once were not, that tactics which have worked in Vietnam as a result of Vietnamese conditions may not necessarily work in their own countries where conditions differ.

Thus, Communist strategy in Asian countries is now geared largely to local conditions and opportunities. The Huks, for example, are making a comeback in the rural areas of central Luzon not because of what happens in Vietnam but because of the failure of the Philippine Government to solve the problems of tenancy and rural indebtedness that have long plagued this area. In Thailand the Communists seek to capitalize on long-standing grievances of non-Thai minorities. And in India the Vietnam situation does not affect Communist efforts to exploit the failures of the Indian Government to make satisfactory progress toward modernization.

Our tendency in the past to look upon Communism as a monolithic conspiracy has unhappily left its imprint on our perceptions. We have not as a nation yet drawn the proper conclusion as to why a Communist-led movement has succeeded in Vietnam, and we continue to equate substantially different situations in our pursuit of a global containment policy.

Conditions in Vietnam are not duplicated anywhere else in Asia. Only in Vietnam was a Communist movement able to take charge of a national independence movement at the end of World War II. Many of the areas now controlled by the Vietcong in South Vietnam were controlled by the Vietminh as early as 1944 during the struggle against the Japanese. The Vietminh gained dominance over other parts of the countryside during the struggle against the French. As a result, many of the South Vietnamese, even those who oppose Communism, still regard Ho Chi Minh as a national hero. Nowhere else in Asia does a local Communist leader have the prestige that Ho Chi Minh has as a national hero, as a result of this unique historical record. Accordingly, in Vietnam, Communism had a considerable advantage because the Communists upheld the nationalist banner. Wherever Communism runs into conflict with, or attempts to oppose, nationalism, it loses.

Even with this advantage, however, the Communists in South Vietnam were a weak and divided force until the late nineteen-fifties, when President Diem and his brother-in-law proceeded to alienate every important segment of Vietnamese society by their rigidly authoritarian policies. It was this peculiar combination of circumstances that provided the Vietcong with the opportunity they turned to such advantage.

There are two other, equally compelling facts about the nature of Asian Communism which are not widely appreciated and which do not fit the domino theory and have no relevance to it. These concern the *social* content of Communism and its appeal.

In many places in Asia where Communism is relatively strong, it is found in the fertile delta or low-lying coastal areas, heavily overpopulated, with labor-intensive crops such as rice or sugar, and large numbers of sharecroppers, landless laborers and absentee landlords. This description would fit central Luzon where the Huks are strongest, south-central China where the Chinese Communists got started in the twenties and thirties, the Irrawaddy River delta where the Burmese Communists are strongest, central and east Java where the Indonesian Communists were once so powerful, and the coastal plains of India in which the Indian Communists receive their largest vote. Asian Communism, and Communism in many underdeveloped areas, is thus often a movement of the poor peasants, the landless and the exploited sharecroppers against their overlords and the urban governments which protect them. Without this social base, the intellectuals who lead the Communist parties would be politically insignificant.

To this can be added the fact that Asian Communism is frequently an outgrowth of the legitimate grievances of minority ethnic or religious communities who have never been assimilated into the countries to which they have migrated.

In all Asian countries then, the chances of Communist successes are related much more to local conditions than to the outcome of the war in Vietnam, or any other similar external conflict. Moreover, in all of Asia outside Vietnam, Communism is weak.

Let us glance briefly at the situation of some of the Communist parties in Southeast Asia in order to exemplify these points. Thailand is a good place to begin because it is commonly argued that a Communist success in South Vietnam will inevitably lead to a similar success in Thailand. The fact is that the soil for Marxism has always been poor in Thailand for reasons stemming largely from the fact that Thailand is the only country in Southeast Asia to have escaped Western colonialism.

One result of this is that Thailand has not produced a frustrated, unemployed educated class that typically leads Communist movements in underdeveloped countries. An equally important factor attributable in part to the absence of Western colonialism and in part to an abundance of land is that there are no serious problems of pressure on the land, peasant indebtedness and landlord-tenant conflicts that have elsewhere turned the peasants to the Communists. Thai Communism, in short, lacks both a head and a body. There is no deeply dissatisfied intellectual class to lead a Communist movement and there is no uprooted peasantry for it to lead.

The importance of these factors is startlingly highlighted when one considers that there are numerous social grievances of various minority groups that lend themselves to manipulation by local Communists—an ethnic minority in the northeast that in some respects is closer to the neighboring Lao than to the central Thai and resents the neglect of the central Government; some 40,000 Vietnamese refugees in northeast Thailand who fled there during the war between the Vietminh and the French and have been treated as second-class citizens ever since; some 250,000 tribesmen in the strategic areas of north Thailand bordering China who have had little contact with the Thai Government; a sizable Chinese population concentrated in urban areas; and finally a Moslem Malay minority in the south near the Malayan border. With this local potential, and after many years of agitation and organization, the Thai Communists have been able to mobilize no more than 1,000 or 1,500 hard-core insurgents in northeast Thailand, many of them Thai of Vietnamese origin. (This compares with about 30,000 hard-core Vietcong by 1959.)

Thus, while Thai Communism is a problem, it has not succeeded in becoming a national political force of any consequence. Whether it grows and prospers will depend largely on the Thai Government's policies toward its minorities. A top-heavy American presence in Thailand could also provide an opportunity for Thai Communists to mobilize a variety of forces who see the United States as the new colonial power in Asia.

In Burma, two rival underground Communist parties (the Red Flags and the White Flags) have been trying to set the stage for an all-out "war of liberation" for almost 20 years. Despite the fact that the Chinese Communists have recently come out publicly in their favor, the Burmese Communists are now at their lowest ebb in a decade.

The failure of the Burmese Communists can be attributed to a double inadequacy; they have been able neither to identify themselves with Burmese nationalism nor to unite the various minority groups which have been in open revolt against the central Government for many years. The more unsuccessful they have been, the more they have dogmatically resorted to terror and violence, further alienating themselves from the mainstream of Burmese politics. In early January the Burmese Army cleared over 294 square miles of a Communist delta stronghold and captured nine top Communist leaders.

Thus, in spite of open support by Peking and a flagging American effort in Vietnam, the Burmese Communists are on the edge of disaster because they have been unable to capture the loyalty of any large segment of the Burmese population. It seems rather unlikely that even a Communist victory in Vietnam would pump life into a confused and divided Communist effort. What would be more likely to pump life into it is a breakdown of the Burmese Government or a radical change in Communist strategy that would involve abandoning the guerrilla war and turning legal. From recent accounts, this seems to be the conclusion reached by many Burmese Communists who are now on the verge of an open break with Peking and a surrender to the Ne Win regime.

In Cambodia, as in Thailand, the local Communists have had little success in mobilizing the dominant ethnic group—namely the Cambodians, who make up 85 per cent of the population—and have concentrated on three minority groups: some 400,000 Chinese, approximately the same number of Vietnamese, and about 40,000 tribesmen in the remote eastern and western mountains.

Neither the Chinese nor the Vietnamese have ever been successfully assimilated into Cambodian society even after several generations of residence. A vicious cycle of suspicion and fear prevents such assimilation. As elsewhere in Southeast Asia, the Chinese have influential positions in the economy; they monopolize such fields as imports, private banking, rice milling, money-lending, as well as the distribution of consumer and industrial goods. Their dominant economic position has reinforced the hostility of the average Cambodian toward them and this in turn encourages Chinese hostility toward Cambodians. The Vietnamese, like the Chinese, have also maintained themselves as a separate community and this is reinforced by deep historical antagonism between Cambodia and Vietnam.

The result is that both Communist China and North Vietnam have a potential fifth column in the heart of Cambodia. When Chinese-Cambodian relations were good, up to a year or so ago, the Chinese Communists took pains not to use the Chinese community for purposes of instigating trouble against the Cambodian Government. In the past year, however, they have evidently encouraged dissidence and by May, 1967, Prince Sihanouk publicly accused Chinese Communist followers in Cambodia of carrying out Maoist propaganda in Chinese schools. Later that year, Sihanouk announced a ban on the Cambodian-Chinese friendship association, dismissed two cabi-

net ministers for having become "servants of China" and took measures against the importation of films and publications from China. The Chinese Communists, presumably aware they had gone too far, backtracked after Sihanouk threatened to recall his ambassador, and offered additional aid to the Cambodian Army.

We see here that well-directed local efforts to cope with local Communist pressures are quite effective in halting the progress of Communist forces and need not depend on American military power holding up one piece of a presumed domino line. And this is all the more true when such an anti-Communist effort by a viable local regime can be adequately supported by available international, political and economic means, not by unilateral American action.

The potential for subversion of Cambodia by its Chinese and Vietnamese minorities is there but is largely undermined by existing local conditions. First and foremost, to the extent that Communism in Cambodia is identified with foreigners—Chinese and Vietnamese—it constitutes an alien force unable to sink roots among the Cambodian majority. Excessive identification with local Chinese was precisely what defeated the Communist-led insurrection in Malaya in the fifties. Second, Prince Sihanouk has been eminently successful in fostering a sense of national identity that has been lacking in South Vietnam. Third, most of the Chinese and Vietnamese are concentrated primarily in and around the capital city of Pnompenh and cannot therefore provide a rural revolutionary base for guerrilla warfare. Fourth, only a very small minority of the Chinese and Vietnamese communities engage in subversive activities in any case. Bankers, merchants and businessmen of Chinese or Vietnamese origin, while full of natural pride for their homelands, nonetheless * * * with local governments and are aware what their fate would be under a Communist government. Finally, there are many measures that the Cambodian Government has taken to reduce the grievances of its minority communities.

The situation in Laos, on the other hand, does seem more closely related to the outcome in Vietnam, because large portions of Laos are already controlled by the Laotian Communists, backed up by the North Vietnamese. This includes much of the territory on the border with North and South Vietnam. The real question in Laos, assuming an eventual Communist victory in South Vietnam, which would be a risk of any realistic settlement, would be whether the present Government could retain its hold on the western part of Laos along the Mekong River border with Thailand. Some guarantee for the security of the non-Communist portion of Laos ought to be one of our firmest demands at the conference table.

In Malaya and Sarawak, the potential for Communist subversion is also confined largely to the Chinese community, particularly the youth imbued with a sense of Chinese identity which feeds on discrimination by the Malay majority. (Malaya has about 3½-million Malays and Indonesians compared with 2½-million Chinese, and Sarawak has 230,000 Chinese as against 130,000 Malays and Indonesians. The Indonesian immigrants, unlike the Chinese, have been readily assimilated.) The Malayan Communist party has been predominantly Chinese in membership ever since the late twenties and early thirties when it began to organize Chinese workers in Singapore and the Malay States. In Sarawak, the Communists are recruited largely from the Chinese community and have sought over the years to infiltrate the largely Chinese Sarawak United Peoples party, the biggest and most important party in Sarawak.

After its defeat by the British during the 1948–60 socalled Malayan Emergency, the Malayan Communist party has in recent years attempted a comeback, but it has an estimated nucleus of only about 500 guerrillas. The two main appeals of the party are to anti-Americanism and to Chinese chauvinism, which it whips up by campaigning against the use of Malay as Chinese schools.

One limit on the potential for Communism in Malaysia has already been mentioned—the almost exclusive appeal to the Chinese community inhibits the development of a broad front including Malays, tribals and Indonesians. A second limitation has recently arisen as a result of the change of Government in Indonesia. During the Sukarno days, Communists on the Sarawak side of the Indonesian border were free to cross over to Indonesia where they were were trained—along with Indonesian guerrillas—to reinfiltrate Sarawak. Sukarno's purpose was to undermine the Malaysian Federation and he was prepared to cooperate with the Communists to achieve this goal.

The new Indonesian military dictatorship under General Suharto has restored normal relations with Malaysia and agreed to set up a joint security command to curb the Communists on both sides of the Sarawak-Indonesian border. Meanwhile, on Malaysia's northern border with Thailand, there are cooperative Malayan-Thai efforts to clear out the remnants of the Malayan Communists who operate on both sides of that border.

Looking farther away from mainland Southeast Asia, the Indonesian Communists, once the most powerful nonruling party in the world, were decimated by the Indonesian Army in the course of the brief but bloody civil war set loose in 1965, which may have accounted for more than a half-million deaths. The speed of their recovery on land-starved Java will probably vary directly with the capacity of the new military dictatorship to solve Indonesia's desperate economic situation.

It should be added that the turn by the army against the Indonesian Communists and their protector, former President Sukarno, had little if anything to do with our presence in Vietnam. It was triggered by an abortive coup against the army leaders which apparently had the support of both Sukarno and the Communists. It is hard to imagine that Generals Nasution and Suharto looked toward Vietnam to determine whether or not they should resist an attempt by local Communists, in conjunction with Sukarno, to assassinate all top army leaders and to subordinate the role of the army in the Indonesian Government to that of the Communists and Sukarno. The Indonesian military leaders were long concerned both that Sukarno was giving too much power to local Communists and that he was moving much too close to China in foreign policy.

It was such local considerations, not Vietnam, that provided the background for developments there that led to the decimation of the Indonesian Communists, and to the subsequent turn away from China. This is in fact a development that runs completely contrary to the domino theory because our presence in Indonesia has been almost nonexistent for several years. It is easy to understand why the domino theorists have argued that what happened in Indonesia could not have taken place if we were not in Vietnam. But the facts simply do not bear out that contention.

In the Philippines, as in Indonesia, Communism has long been based not on any ethnic minority but on land-hungry, debt-ridden peasants exploited by usurious moneylenders and landlords. Seventy per cent of farm operators in the six Communist-dominated, central Luzon provinces are landless tenants, almost twice the national average. Most of these tenant-operated farms are smaller than five acres. This vast rice zone has been a center of Communist strength since the thirities, and the Huks administered large areas of it during the Japanese occupation.

In sum, the potential for Communist subversion in Southeast Asia arises largely from two distinct social tensions: the grievances of minority communities alienated from, and often maltreated by, the prevailing majority people, and the classic grievances of tenants and laborers in certain parts of the countryside. The potential for a Communist explosion in Asia is greatest when rural protests is deep and widespread and is fused with nationalist fervor—as happened in China and Vietnam—or with the grievances of a particular community, as happened in Malaya and the Telengana part of India in 1948. This fusion is especially powerful when it is accompanied or followed by the loss of legitimacy of an ineffective ruling class—as in Diem's South Vietnam.

At the moment, there are no areas in Asia where local Communists are in a position to fuse such elemetal grievances. Without doing so, they can retain the potential for subversion and mischief-making, but they cannot start a revolution. For all the Maoist insistence on the need for a second front linked to Vietnam, none has been started. This has not been for lack of effort on the part of the Maoists and their allies, but for lack of proper conditions. As some Communists have long since learned, revolutions cannot be exported.

This is not to argue that revolutions—in some cases, led by the Communists—may not take place in Asia over the coming decade. There are obvious danger spots in the Philippines, India and other countries, but such revolutions, when and if they come, will not arise Phoenixlike from the ashes of the Vietnam war.

Indeed, it is quite possible that Asian revolutionaries will reject the Vietnamese model as inappropriate for them, just as many Latin-American Communists have rejected the Cuban model on the grounds that the factors which contributed to Castro's victory—particularly the complete demoralization of Batista's army, including the officer corps—are not present elsewhere.

The domino theory—like any ideological formulation—is as seductive in its simplicity and comprehensiveness as the Maoist view of the world. Indeed it is ironic that its principal defenders are in Peking and Washington. But the fact is that, although the domino theory may have had some relevance to a world in which Communism was monolithic, it is no longer even remotely a satisfactory guide to American policy.

If the domino theory does not hold true, then we can confront the possibility that South Vietnam may eventually fall to the Communists without directly threatening the security of the rest of Asia. This awareness can clarify our negotiating position. It increases our leverage with Saigon. It also increases our flexibility; that is, in the event that negotiations break down, we are not automatically forced into a return to escalation. It enables us to consider without excessive fear the possibility of a coalition government in the South. This awareness should also provide guidelines for a long-term approach to Asia that de-emphasizes unilateral American military action and looks toward reconciliation with China—a goal which could be facilitated by a settlement in Vietnam.

Naturally, in any negotiations we must strive for the best terms possible. I am not arguing that South Vietnam is necessarily or inevitably lost to Communism. Rejection of the domino theory and its implications merely points to minimum negotiating terms. These cannot, of course, be signaled in advance. But there is a danger that we will not have clarified in our own minds prior to the negotiations exactly what outcome in South Vietnam we are prepared to live with. There

is also the danger that, having run large military risks in seeking a settlement, we may not be prepared to take necessary political risks in the same cause.

My own view is that negotiations could begin with a step that does not require the approval of either Saigon or the N.L.F.—namely a reciprocal, phased disengagement of North Vietnamese and American troops from South Vietnam. Such a reciprocal disengagement would be in accord with the Honolulu declaration, which specified that the United States would begin to withdraw from South Vietnam as North Vietnam withdrew and the level of violence in the South subsided.

Such a process of disengagement could go on for a year or two. In the interim, there would be a cooling-off period in the South during which the Saigon Government would be forced to face up to its predicament. In this period we should not make the mistake we made during the Marshall mission to China in 1946 when we supported Chiang Kai-shek to the exclusion of other groups in the Kuomintang and the army who were prepared to seek a reconciliation with, not to be absorbed by, the Communists. The phase-out on our side should be sufficiently gradual so as to deter the N.L.F. from launching any military offensives against the cities or any coups during the cooling-off period.

In this interim period, and perhaps after the first steps in disengagement had been taken, if there is sufficient mutual confidence, we might begin talking both about elections in which the N.L.F. would participate and about gradual steps toward reunification of North and South, in accordance with the Geneva Agreement of 1954. Both of these processes could be supervised by a strengthened International Control Commission in conjunction with the United Nations.

Such a plan would require willingness on our part—as on theirs—to take the risk that there are forces in South Vietnam now which could compete politically with the N.L.F. if given a few years of relative calm. If the non-Communist political forces prove as weak as many assume them to be, knowing that this is their last chance, then the war has already been lost. If, on the other hand, these political forces retain some vitality, they must be centered in a broad-based Government that can lay claim to wider support. The choice is not between a military and a civilian government. It is between military and civilian leaders unwilling or unable to face up to the necessity of competing politically with the N.L.F. and those who are.

At the worst, South Vietnam could fall under Communist rule after a few years. More hopefully, it could become another Cambodia, with a government friendly to, but not dominated by, the Communists. As this article has suggested, neither prospect need be a catastrophe. The real dangers we face—particularly at home, but also abroad—are great enough; we do not need to magnify them by conjuring up an illusory chain of dominoes.

## ADMIRAL RICKOVER WARNS ON MILITARY-INDUSTRIAL GRIP—HIGH PRICES PAID FOR M–16

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Frank C. Porter, published in the Washington Post of May 2, 1968, about the testimony of Admiral Rickover. Admiral Rickover, as we all know, is one of the most distinguished military men in our Government, and his thoughts are always worth our attention. He is wise and thoughtful in his presentation of one of the most troublesome problems that confront our country.

Together with that article, I ask unanimous consent to have printed in the RECORD an article by Donald M. Rothberg about the M–16 rifle.

These two articles illustrate well one of the principal reasons for the serious financial condition of our country today.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1968]

RICKOVER WARNS ON MILITARY-INDUSTRIAL GRIP

(By Frank C. Porter)

Vice Adm. Hyman G. Rickover has warned Congress against the emergence of a "fourth branch of Government"—a partnership of Federal bureaucrats and giant corporations "with men exerting power without political responsibility."

Rickover's warning came during biting testimony before a closed session of the House Banking and Currency Committee April 11. The testimony has just been made public.

He mocked former Defense Secretary Robert S. McNamara's much-publicized cost-reduction program, said he found the Commerce Department "about as useful as a lighthouse without a light" in his dealings with it, and charged that Government figures mask the huge, padded profits of defense contractors.

Time and time again the father of the nuclear submarine charged that the Defense Department's industry-oriented philosophy, its lack of "in-house capability," and the absence of standardized accounting procedures are permitting Uncle Sam to subsidize the civilian business of defense contractors and costing American taxpayers untold billions of dollars.

His concern for the power wielded by the partnership of the defense establishment and big corporations is not new. Former President Eisenhower warned the Nation about the "military-industrial complex" on his retirement from office and numerous others have expressed alarm since.

But such a warning from an active leader in the defense establishment itself is unique.

The Committee is considering a two-year extension of the Defense Production Act of 1950. Rickover, director of nuclear propulsion for the Navy, took notice of his differences with his superiors in the Navy and Defense Department but asserted that "I claim no superior wisdom."

Rickover disputed Department of Defense figures showing that profit margins for suppliers had gone down from 6 per cent in 1956 to 3 per cent in 1962.

He supplied General Accounting Office tables indicating that profits as a percentage of cost on DOD contracts averaged 7.7 per cent in 1959–63 and rose 26 per cent to 9.7 per cent in 1966.

Department laxity, he said, permits contractors to charge off overhead costs applicable to their civilian production to defense work. Sometimes even profits are entered as costs, he added.

"By averaging high- and low-profit defense work, a company can overcharge the Government on orders where competition is limited, so that he is able to reduce his prices on more competitive product lines," the Admiral explained. "In this way he has a better chance to receive orders that provide engineering or production experience that might have commercial application."

If indeed the Defense Department is saving $4 billion a year through its cost-reduction program, as it claims, Rickover continued, it surely can't be attributed to lower profits.

"From the fanfare used by the Department of Defense to acclaim its cost-reduction program over the past several years," he cracked, "it would appear that their 'savings' have been limited only by their verbal facility."

There are enough laws on the books to insure a proper performance by DOD suppliers, he said, but industry will not police itself.

"You do not put a skulk of foxes to guard the chickens in the barnyard. The many examples of overcharging, violations of the Anti-trust Act, collusion—all show that industry will not police itself."

As for monopolistic practices, Rickover said, "the antitrust law appears to have become a 'motherhood' slogan. It is like the pious Christian who doffs his hat respectfully every time he passes a church, but enters only once a year."

His own criticism of DOD procurement is met with a "Mother knows best" attitude from the Department, Rickover told the Committee.

"These people have ceased to be capable of self-criticism. In this area, their great power, as contrasted with their small actions, is as if Prometheus had become manager of a match factory."

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[From the Washington Post, May 2, 1968]

ARMY SPENDING UP TO $316 EACH—HIGH PRICES PAID FOR M-16s

(By Donald M. Rothberg)

The Army, suddenly under high-level pressure to increase sharply the flow of M–6 rifles to South Vietnamese troops, is paying premium prices for the lightweight, rapid-firing weapon.

Until April 12, Colt Industries Inc., was the only manufacturer of M–16s. Colt's price has averaged $104 a rifle on recent contracts.

It is costing the Army far more than that—up to $316 per rifle—to bring two more firms into production of M–16s.

"We are paying a premium to get the quantity and quality we want," an Army source said.

The pressure to speed procurement of M–16s resulted from the decision, announced March 31 by President Johnson to turn over more of the fighting to the South Vietnamese.

The two new M–16 sources are Harrington & Richardson of Worcester, Mass., and General Motors' Hydramatic Division at Ypsilanti, Mich.

Each firm received a two-year contract calling for production of 60,000 rifles the first year and 180,000 the second.

Harrington & Richardson will receive $15 million the first year for a unit cost to the Government of $250 a rifle. The second year the firm will receive $27 million or $150 a rifle.

Government costs under the contract awarded to General Motors are higher: $316 a rifle the first year, $200 the second.

The difference between the two contracts brought swift challenge from Sen. George S. McGovern (D-S.D.) who told the Senate the awards serve "as a painful question of the Pentagon's ability to handle the taxpayer's money wisely."

The Army responded by pointing to differences in wage scales between Detroit and Worcester. Labor Department figures show the average manufacturing employe in Detroit in February, 1968, received $167.74 a week. The figure for Worcester was $118.89.

GM and Harrington & Richardson were among the four firms with which the Army negotiated after it bought the manufacturing rights for $4.5 million from Colt. The prices include the expenses of tooling up to produce a new product.

Army spokesmen stressed that both new contracts are ceiling prices subject to negotiation downward if the firms' costs prove to be less than anticipated.

## LE MONDE ON THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, there came to my notice recently an article in the Paris Journal, Le Monde, on the war in Vietnam. In order that various sources of news may be available to my colleagues in the Senate, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Le Monde (The World), Feb. 29, 1968]

LETTER FROM SAIGON: WAR HAS CHANGED ITS FACE

[French translation]

Since an entry visa had been refused to our special envoy in Southeast Asia, Jacques Decornoy, "Le Monde" for the time being does not have a representative in Saigon; therefore, one will read with greater interest the letter which we have received from one of our readers residing in that city.

"SAIGON, February.—One certainly does not know here in Saigon how the international press reports on the present events. But censorship and the recent expulsion of a French correspondent make one feel uncertain about the objectivity of information which, in addition, is doubtless fragmentary. Some facts, however, can meanwhile be better brought into prominence: they concern the attitude of the Americans, the methods, the repression and the feelings of the people.

"The Americans were caught by surprise. They, of course, expected something to happen here and there, as for instance, local incidents; but never did they expect an offensive of such a scale. And so much more, as they were not the principal objective of the fightings.

"A GENERAL WITHDRAWAL TO THE MILITARY BASES

"In every Vietnamese city rumors periodically go around telling the people that the Vietcong are about to take the city. Whatever the purpose of these rumors may be—to spread fear or poison the atmosphere—they almost always prove to be false. If a city is taken, its occupation does not last long. This time, however, the happenings mixed with the noise of the traditional Tet firecrackers were of an altogether unexpected force. How did the Americans react? They reacted by a general withdrawal to their military bases. The American installations are very numerous and often gigantic. Their protection requires vast employment; they offer relative security which is only disturbed by regular rocket shellings whose destructive power is rather limited in proportion to the large spaces that serve as their targets. Generally, the liberation army is only harassing the Americans as, without doubt, it is not in a position to concentrate huge forces which are necessary for a general attack. Khe Sanh can serve here as an example.

"In the cities, the Americans have thus withdrawn to their fortified positions. They left to the others the task of 'mopping up' the cities. Da-Nang's protection has thus been entrusted to the Vietnamese army which does not seem to be happy about it. The city of Nha-Trang and others have already been 'mopped up' by the Koreans. In Cholon and Gia-Dinh, the Vietnamese do the ground fighting. The Americans, with the exception of some armored columns, engage their planes and armored helicopters. They only fought in the streets when they were forced to, as for example, in Hué where they were nearly overwhelmed.

"THE FLOOD OF IRON AND FIRE

"The French know all to well about colonial repression but here the particular stamp of the American war in Vietnam makes itself felt. If a district or a city block is found sheltering a few combatants of the FNL, a flood of iron and fire will come down and last for hours. Cannons, mortars, heavy machine guns (firing six thousand rounds per minute) and bombs dropped from planes will soon completely level the area. The encirclement is always brief. In most cases, no warning is given to the population. It is fair to say that evacuation orders are not always heard. Thus, Nam-O, a small village of refugees, located a few kilometers from Da-Nang, was encircled two days after Tet and its population summoned to evacuate it after a meeting of the Front had been held there. Nobody left, perhaps for fear of arbitrary imprisonments and lootings by the soldiers. During the night, U.S. planes bombed it with rockets and napalm. On the following morning, three hundred dead could be placed along the road. A demonstration was about to start in front of Da-Nang's city hall but the police arrived and fired their weapons. Whoever spoke of this village? And who will speak of the others?

"Nam-O is just one of the hundreds of other localities, villages and city districts. These three hundred dead civilians, including women and children, were entered into the official statistics of Vietcong killed. Thus, one arrives at the official number of 30,000 to 35,000 Vietcong killed in ten days. We can safely say that in this number the proportion of FNL combatants varies between 10% and 15% because, generally, they do not wait for the end of the bombardments to disengage or withdraw to their fortified and camouflaged positions. The victory bulletins do not conceal too well the frightful massacre of a population that sometimes could be charged with complicity but who in almost all cases is without arms. And this is so much more serious as repression is ineffective. In Saigon, at least, the forces of the Front stay; the arms are hidden; the combatants submerge in the population. At present, they replenish their ammunition supplies.

"THE FEAR

"Where in this situation are the feelings of the people? They are dominated without doubt by fear—the fear of U.S. bombardments. For the first time in their lives, many city dwellers have seen these famous Vietcong (because they have been living confined to the cities). They found them to be young, polite and honest—something that has become rather rare in this country—and also well armed. The fact that the Vietnamese are in a position to win such a wide selection of war materiel is something that impresses the general public a lot. Thus, there exists a very clear contrast between the comportment of the Vietcong and the government forces who bomb haphazardly and the shock troops who can loot so easily. The majority of the troops are made up of humble and a little thievish soldiers who try not to get involved in bloody affairs unless they are forced to by their officers. Nothing official is known here about mutinies and desertions but Radio Hanoi gives the places, the data and the units. Those willing to verify the information would soon get into the worst of troubles.

"Without doubt, many people have not got a clear grasp of the purpose of the Tet offensive. With the exception of Hue, the Front has not clearly taken control of the administration. Here, people do not know anything at all about negotiations. But everybody vaguely understands that the war has changed its face. Large urban areas in turn have got involved in the war. Not so much on account of the presence of the Front but more on account of the blind furor of the repressions. Many people have lost something by destruction or fire. The escalation may also be another reason. A new anti-Americanism is developing; it does not resemble the old one which, ironical and disdainful, was that of the small and big war profiteers; this one is more an anti-Americanism of the country population which touches the national fibre.

"E. B."

## ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR RANDOLPH, TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon completion of the prayer and the disposition of the Journal on tomorrow, the senior Senator from West Virginia [Mr. RANDOLPH] be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TAX EXEMPTION OF CERTAIN REVENUE BONDS

Mr. CURTIS. Mr. President, the conference committee considering the excise tax extension bill will meet again tomorrow, and one of the matters it is considering is vital to the industrial development of our Nation and the provision of additional jobs for the future.

I wish to take this opportunity to call to the attention of the Members of Congress and particularly the conferees the seriousness of problems that have come to light in this regard since the Senate acted.

You will recall that the Senate at first adopted a Finance Committee amendment which I had offered in committee and later adopted an amendment by Senator RIBICOFF, of Connecticut, which was much more far reaching.

My amendment was prompted by the Treasury Department's announcement that by regulation or administrative fiat Treasury had decided to eliminate the tax exemption on revenue bonds issued by State and local units of government to finance the construction of job-creating industrial development facilities for private industry. My amendment simply would have prevented Treasury from doing this until Congress could consider all of the facts and take whatever action was warranted by legislation. I told the Senate that I felt Congress alone had the power to take action in this field, because by enacting the 1954 Internal Revenue Code the Congress had adopted, by law,

the tax exemption which had applied to bonds of this type since their issuance for industrial development purposes began in the 1930's.

The Ribicoff amendment attempted to legislate in the field by identifying the types of bonds on which the exemption would be eliminated and by setting a January 1, 1969, effective date for wiping out the exemption.

Mr. President, I do not think that the interests supporting the elimination of the tax exemption either by administrative decree of the Treasury Department or by enactment of the Ribicoff amendment know the full effect of either proposed action. To adopt either of those proposed actions could thwart the financing of future public needs, such as air and water pollution abatement, as well as job-creating needs of States and municipalities to solve their economic problems.

Let me mention just a few items.

Industrial revenue bonds are not rated. They provide private financing that was not previously available. This is evident from a perusual of the way the issuance of these bonds has worked in my own State of Nebraska. Many of the bonds are sold to buyers right at home, in the community where the industrial plants they are financing are built.

The market for these bonds is not the normal bond investors' market. Local pride and support are factors. For a medical center and hospital being constructed in Alabama, for example, 44 local doctors have pledged their personal assets to support the bonds issued for the project. It would be difficult to sell these bonds on the open market if the interest rate were lowered by three-fourths of a percent to 1 percent by reason of the removal of the tax exemption. The risk simply would be too high in some cases except for persons who know the community, or who are directly involved in seeing the industrial development project succeed economically.

Opponents of the tax exemption for industrial development bonds claim these bonds are increasing the interest rates for governmental general obligation bonds. I do not quite see the basis for this claim. As of December 31, 1967, Moody's triple-A municipal bonds were selling at only 4.15 percent interest and Moody's triple-A corporates were at 6.25 percent. Moody's long-term treasury bonds were selling at 5.36 percent interest.

All that my amendment proposes to do is allow the Congress to hold hearings and proceed through the normal legislative processes in considering the case for and against tax exemption of revenue bonds. When I offered it, I was somewhat suprised at the buzz saw of opposition which came immediately from some of the larger industrial States. I could well understand that they might be concerned about the "have not" States pirating some of their industries to new locations in other parts of the country. But I could not understand, and I still cannot understand, why these same opponents of my amendment came forth and supported Senator RIBICOFF's amendment.

It appears to me that the Ribicoff amendment, like the Treasury Department's regulation, would eliminate the tax exemption for bonds of the general obligation type as well as the revenue type that are issued for certain types of school buildings, college dormitories, public hospitals, stadiums, airports, transportation facilities, parking facilities, and pollution control facilities. The definition given for industrial development bonds in both the Ribicoff amendment and the Treasury Department regulation states that the exemption would be denied for bonds issued to provide any facilities which are subject to allowance for depreciation. In addition, the facilities must be operated by the governmental authority issuing the bonds in order to qualify for tax exemption. This definition would include general obligations as well as revenue bonds.

I am advised that the State of Illinois is considering legislation which would set up a revenue bond financing plan developed by Goodbody & Co., for air, water, and solid waste pollution control systems. This is called a "total environmental control approach." It would make facilities available for existing industrial plants that need additional equipment to control pollution, for example. Local governmental units would buy this equipment and lease it to manufacturing firms.

This is a local and State self-help method of combating pollution. Cities in some instances want to build plants for converting solid waste into byproducts, but they want to lease these facilities to private companies which have the management and technical experience to operate them.

Under a revenue bond financing plan developed by Eastman Dillon-Union Securities and the city of Omaha, Nebr., one of the worst solid waste disposal problems in the United States will be solved. A collecting sewer will gather waste from 20 packinghouses and channel it through a treatment plant where fats and paunch manure are recovered, and processed into products which can be sold. The $6 million dollar bond issue will be paid off in 30 years.

These methods of coming to grips with our pollution abatement problems would be penalized by elimination of the tax exemption on revenue bonds issued to procure or construct the facilities, and provide them to private industry on a long-term lease basis.

If State and local government units are to be dissuaded from moving to meet State and local problems with State and local solutions, what about the Federal Government? Can it do a better job, or an equal job, of helping to solve these State and local problems? Through a tax exemption? Or through loans and grants of Federal tax funds?

To answer these questions, I would call to your attention one of the programs of the Commerce Department's Economic Development Administration. The EDA, as it is known, has made limited purchases of selected industrial bond issues, purchasing the tax exempt bonds at par value in each instance. In Fayette County, Tenn., for example, bids were requested for a $3,900,000 industrial revenue bond issue for the construction of facilities for Tennessee Foods, Inc. The EDA guaranteed to purchase at par plus accrued interest at 4⅝ percent any maturities of these bonds for which no other bid complying with the terms of the official notice of sale was received at any equally favorable net interest.

In other words, EDA said: "We will buy the bonds if you can't sell them at an interest rate of 4⅝ percent or less." Tax exempt? To the EDA, the answer is yes, either now or under the Ribicoff amendment or the Treasury regulation in the future. The Federal Government does not pay tax on its own bonds.

For those who may be interested in this method of tax-exempt financing of industrial development projects, the EDA has made similar purchases or offers to purchase bonds in the amount of $343,000 for the town of Oakman, Ala., to build facilities for manufacturing truck mixers, at 4.25 percent interest; $6,875,000 for the industrial development board of Cordova, Ala., to build a lumber plant, 4.61 percent interest; $2 million for Hot Spring County to build an aluminum foil rolling mill at Malvern, Ark., at 4.25 interest; and $9,500,000 for Morehead City, N.C., to build a facility for the North Carolina State Port Authority at 3.75 percent interest.

I am told these are only a small sample of EDA's participation in the 1967 industrial development bond market. The total expenditures of EDA for this type of activity tell still another story of significance to the Congress. With an expenditure of $383 million in tax funds the EDA created or helped create a total of 22,000 jobs. The State of Tennessee alone created 61,000 jobs, nearly three times as many as the EDA, with $201 million in capital obtained through industrial revenue bond financing.

I am not criticizing the EDA effort, Mr. President, but I am saying that if it is good for EDA and the Commerce Department to help certain States, cities, and counties build industrial facilities, certainly it should be good for States, cities, and counties to have some method or degree of tax exemption for industrial revenue financing of similar facilities to serve their economic needs.

A number of other Federal agencies also make funds available to create jobs and employment in areas where they are needed to put idle people to work or raise income levels. The Office of Economic Opportunity, the Labor Department, the Agriculture Department, the Small Business Administration, the Defense Department, and the National Aeronautics and Space Administration are among agencies that have worked singly or cooperatively toward this end. Are we going to force States and county and local governments to turn more and more to the Federal Government for industrial development help?

What about the claim that a tax exemption on industrial revenue bonds discriminates unfairly against other types of bonds? I would like to call your attention for just a moment to corporate bonds. Are you aware that $13.2 billion in corporate bonds issued last year—during calendar 1967—were purchased by nonprofit firms or organizations which pay no Federal taxes on the interest from those bonds? And, further, that the amount of these bonds which went into

nontaxable channels represented 77.6 percent of the $17 billion in corporate bonds issued during 1967? I submit that the $1½ billion in tax-exempt industrial development bonds issued during 1967 looks rather small by comparison. But the Treasury Department is moving against the States and cities, not against tax-exempt foundations, unions, union trust funds, and the like.

What about the other types of industrial aid financing provided by the several States and their local governmental units? New York has a State authority, established by the legislature, known as the New York Job Development Authority, which has the power to issue various types of bonds and notes and to make loans to local development corporations. Would the revenue bonds issued by this State agency be exempt from Federal tax? Under both the Ribicoff amendment and the Treasury Department regulation, the bonds would appear to be taxable if used in any way to construct or provide facilities for private business to operate. What about the negotiable debenture certificates issued by the Alaska State Loan Authority? And the bonds issued by the Business Development Corporation of Michigan, the industrial development districts of Minnesota, the industrial development financing authority of North Carolina, and the Connecticut Industrial Building Commission?

States and their local governmental subdivisions should be encouraged, not discouraged, to attack problems of economic stagnation and underemployment. The few abuses of the use of industrial development bonds should be corrected. These involve chiefly piracy, which I mentioned before, and excessive amounts or sizes of bond issues by large corporations that can afford to put in plants on their own financing through private sources. These abuses do not warrant across-the-board elimination of the tax exemption on industrial revenue bond financing. We know for a fact that the Federal Government, no matter how hard it tries, simply does not have enough money to finance all the public improvements and economy stimulating industrial development for all levels of government. The Federal Government has not even been able to uphold its promises to provide jobs for the disadvantaged or the poor.

Let us not kill the goose that lays the golden egg—the local self-help initiative by communities to build themselves and strengthen themselves economically. This self-help approach is much sounder than pumping billions of Federal tax dollars into rural and urban antipoverty programs. It involves the local people and their money in State and local industrial development. It requires a minimum of Federal assistance.

Let us not move so quickly that we wipe out by administrative fiat or by law the principal method of self-help for the have-not States. For the States with four or five different financing devices, including the authority to spend tax funds for building new industrial plants, the loss of industrial revenue bond financing would not be as large as for States that rely heavily on revenue bonds. Let us not set back the have-not States and force them to run faster and faster to catch up. Let us not discriminate against certain States which already suffer from declining or lagging population growth while the big industrial areas suffer from overexpansion and all the related street, sewer, water, pollution, health, and other problems.

And above all, the States should have their say before the law is written. Full hearings should be held. It is only fair. It makes sense. An important principle is involved—the power to tax is the power to destroy and it is vested solely in the elected representatives of the people through the legislative branch. This principle embodied in the Curtis amendment which is now pending in conference must be upheld for the protection of all the States and all the people.

## REPRESENTATIVE ZABLOCKI'S EXCELLENT ANALYSIS OF U.S. POLICIES AND EASTERN EUROPE

Mr. PROXMIRE. Mr. President, a most perceptive analysis of the United States and its relationship with Eastern Europe was graphically presented by my distinguished colleague from Wisconsin, CLEMENT J. ZABLOCKI, of Milwaukee, at the George Washington University American Assembly Conference in the United States and Eastern Europe held May 2 at Arlie House, Warrenton, Va.

Speaking to scholars and specialists on the subject "U.S. Relations With Eastern Europe: An Overview," the distinguished Wisconsin Representative, whose own interest in Eastern Europe is well established, traced the inconsistent path this country has traveled in its policy toward Eastern Europe. He emphasized that it failed to demonstrate a forward-looking perspective which has worked to the ultimate disadvantage of the United States.

A prime example Representative ZABLOCKI cited was the inability of America to respond to recent developments in Czechoslovakia. Failure to vote for the passage of the East-West trade bill 2 years ago could have served to alleviate such lack of response, Mr. ZABLOCKI reported.

His frank summation of the situation deserves the attention of the Senate. I ask unanimous consent that the full text of his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

U.S. RELATIONS WITH EASTERN EUROPE: AN OVERVIEW

(Remarks of Hon. CLEMENT J. ZABLOCKI, at the George Washington University—American Assembly conference on the United States and Eastern Europe—Warrenton, Va., May 2, 1968)

I approach the subject assigned to me this evening—"United States Relations with Eastern Europe: An Overview"—with mixed emotions of impatience and some frustration.

I say this because too often during the past twenty-five years, United States relations with that area have been the product of attitudes steeped in *emotional* rather than *logical* considerations.

Our governmental policies directed at Eastern Europe have ebbed and flowed—but seldom along perimeters based on a realistic appraisal of the basic factors which have operated on the world scene.

As a result, the United States had difficulties staying on course, and accomplished less than was possible in advancing our legitimate national objectives in an area which remains vital to the formula for a durable peace in Europe.

To some, this characterization of our past national performance may appear too critical. I personally do not believe so. As a matter of fact, I would go so far as to say that the lack of a consistent, forward-looking policy toward Eastern Europe has worked to the disadvantage of the U.S. It has done so not only in our relations with the countries of that area, but also in other sectors of foreign policy.

The lack of a forward-looking policy has strained our relations with our allies in the West; it has tended to exascerbate the divisions and other problems of the European continent; and it has delayed the process of evoluntionary change which, at long last, is beginning to transform the Communist-organized societies of the world east of the Elbe.

I should note at this point that both the Executive Branch and the Congress share responsibility for the uninspiring record and condition of U.S. foreign policy toward Eastern Europe. For seldom during the past 20 years have these two branches of our Government been in agreement on any major undertaking which could influence our relations with Eastern Europe in a positive rather than a negative manner.

In the final analysis, of course, the entire blame does not rest there. Both the Congress and the Administration—today as in the past—are the product of a political system which makes the American people the final arbiter of our national conduct. In the light of history, this is the best political system yet devised by man.

At times, it operates like some marvelous computer: restraining human impatience with wisdom, tempering the rash impulses of the extremists with the weight of the ideological moderates. It is, in short, a political system which allows us to constantly move forward and adapt our institutions to the changing human environment.

At other times, however, the system falters—particularly when aroused public sentiment on a given subject tends to obscure reason and logic and to become the primary factor in the shaping of governmental policies.

In some respects, this has been the experience of United States policy toward Eastern Europe.

Over the last twenty-five years, that policy has been more responsive to public sentiment in the United States than to the requirements of our long-term national interest.

There are, of course, many reasons why emotional considerations have played such a large part in this area of our foreign policy—the sacrifices of the great war; the bitter disappointments of the post-war order; the raising of the Iron Curtain; the despotic excesses of the Stalinist period; the shock of Communist aggression in Korea; the tragic and futile bid for freedom in Hungary; and, currently, the war in Vietnam.

Each of these events—and many concurrent developments—have had a direct impact on public opinion in the United States.

The public opinion, in turn, by interacting upon the Congress and the Executive Branch, has continued to restrict the framework with which United States policy toward Eastern Europe could operate, thus rendering it increasingly feeble and ineffective.

It is relatively easy, of course, to be a Monday morning quarterback. Yet the impulse to look back and to be able to say "I would have done it this way," is not neces-

sarily merely self-serving. It can help us to avoid the mistakes of the past.

This will be the sole object of my remarks today.

As most of us are aware, the problems of U.S. foreign policy toward Eastern Europe date back to the post-World War II period.

Eastern Europe, at that time, was of marginal concern to the United States. It is true, of course, that we had many ethnic, family and sentimental ties with that area. As the national interest was conceived in those days, however, Eastern Europe was not of direct and immediate concern. The United States had no major economic interests in the region and its political and strategic importance was largely unrecognized. Having helped deliver Eastern Europe from Nazi occupation and believing that we had provided for free elections through the Yalta Agreement, we virtually handed Eastern Europe over to the "tender mercies" of the Soviet Union and turned to the job of demobilizing.

It wasn't until later, when the coup in Czechoslovakia marked the fall of all of Eastern Europe under the control of Communist regimes responsive to Moscow's direction, that we had some second thoughts about that part of the world.

At that point, and in a fashion that was to become almost a habit in our dealings with Eastern Europe, we over-reacted. By progressive degrees the United States clamped down on trade and other relations with the East. We also prevailed on our allies to do likewise.

The Battle Act was a milestone in U.S. policy to isolate the Soviet bloc from all significant economic intercourse with the west. In enacting this policy, the U.S. helped to make the Iron Curtain virtually impregnable.

Simultaneously, the public reaction in the United States gave birth to the great "Campaign of Liberation"—a campaign primarily notable for the flood of impassioned oratory which it produced.

In response to that public sentiment, the Congress went so far at one point as to provide for the establishment and training of "liberation cadres." The ostensible purpose of these cadres was to effectuate the downfall of the Communist regimes of Eastern Europe and to restore the pre-war order.

In time, of course, the "Spirit of Geneva" of 1955, and the United States reaction to the Hungarian Revolution of 1956, took the steam from the "Campaign of Liberation." What these developments signaled was one of many slow turning points in our relations with Eastern Europe.

Nevertheless, the authority to create a military force composed of refugees and escapees from Eastern Europe—backed by a 100 million dollar authorization—remained in our statute books until the 1961 revision of our foreign assistance legislation.

The next decade—the decade which began toward the end of the 1950's—witnessed a continuing, and increasingly frustrating, tug of war between the Executive Branch and the Congress in the area of foreign policy directed at Eastern Europe.

I am certain that the events of those recent years are still fairly vivid in our memories—and for that reason I shall not dwell upon them.

However, I would like to sketch briefly the outlines of the course which our country pursued during this period. I do so in the hope that continuing reflection on the past may help us to avoid the same pitfalls and rigidities of policy in the future.

For all practical purposes, the year 1956 evidenced the beginning of tacit, though perhaps limited, acceptance by the U.S. of the status quo in Eastern Europe.

I say "limited" because while it was now becoming clear that the U.S. was not about to use force to change the existing order in Eastern Europe, neither had we written off that area to permanent Soviet domination.

There were some people in the Executive Branch, and some in the Congress, who believed that short of using force, the United States could act effectively to reduce Soviet hegemony over Eastern Europe and to reestablish a modicum of U.S. presence and influence in that area.

They felt that through a gradual and selective expansion of peaceful contacts—travel, exchanges, and trade in non-strategic materials—the United States could encourage those elements in Eastern Europe which worked for internal liberalization and for the reestablishment of contacts with the West.

Evolution in that direction, they argued, could limit the usefulness of Eastern Europe as the forward staging area for possible Soviet military aggression against the West and, in time, contribute to the settlement of problems arising out of the division of Europe.

These views prevailed in 1957 when, after seven months of agonizing reappraisal, the United States Government moved to extend Poland a limited line of credit through the Export-Import Bank. We also acted to supply that country with badly needed agricultural commodities.

Many of us have wondered since what would have happened if the United States had responded more promptly to Poland's "Spring in October."

It is possible that through a more timely and effective intervention, Poland's heavy economic dependence on the Soviet Union could have been reduced, some of Poland's economic problems ameliorated, her Western orientation strengthened and many of the subsequent difficulties in our bilateral relations avoided.

In 1960, Poland became a beneficiary of the "most-favored-nation" tariff treatment. Although Poland was only a marginal trading partner of the United States she needed hard currency earnings to repay her steeply-rising dollar obligations to our country. However, the new policy of differentiating between Poland and the rest of the Warsaw Pact countries soon began to encounter stiffening resistance.

The Congress, responding to the pressure of public opinion, was digging in its heels.

I should digress here for a moment to recall that Yugoslavia, having turned away from Moscow in 1948, had been receiving both economic and military assistance from the United States throughout most of the post-war period. Yet, opposition to this assistance—particularly its military components—was growing in the United States. In 1957, for example, when news of President Tito's desire to visit the U.S. became known, public relations was so vehement that the visit was cancelled. Again in 1960, while attending the U.N. General Assembly meeting, Tito's private meeting in New York with President Eisenhower was marred by public demonstrations outside their hotel.

In 1962, legislation ordering the withdrawal of the "most favored nation" tariff treatment from Yugoslavia and Poland, and Section 620(f) of the Foreign Assistance Act, denying assistance to Communist countries, were approved by substantial majorities in the Congress.

A compromise in the wording of these statutory provisions, and subsequent action by the Congress in 1963 on the recommendations of the House Foreign Affairs Committee, served to lessen the impact of these enactments on both Poland and Yugoslavia. But the signal was clear: the Congress was not ready to follow the lead of the Executive Branch in "Building Bridges" by authorizing any bold, new initiatives toward Eastern Europe.

This divergence between the two branches of our Government became even more pronounced during the past five years. While the Executive Branch set about the task of building bridges to the East, while different commissions and private groups endorsed this course, while changes of significant proportions were taking place in several Eastern European countries, while trade and other relations between Eastern and Western Europe rose sharply in volume—while all of these developments were taking place, the Congress continued to enact additional restrictions on United States relations with that part of the world.

Prohibitions on U.S. aid were followed by restrictions on the PL 480 program and, even more recently, on the activities of the Export-Import Bank.

In sum, the Executive Branch and the Congress have been moving in opposite directions—the one favoring a more positive policy toward those selected countries of Eastern Europe in which signs of internal liberalization and return to a Western orientation were beginning to appear; the other opposing any interchange with that entire area.

Obviously, in recent years the war in Vietnam has played an important part in these developments.

Distressed over the toll in American lives that the war entailed—concerned over the increasingly heavy pressures on our national economy—the Congress determined it could not remain indifferent to the acts of other nations furnishing assistance to North Vietnam.

Beginning in 1965, the inevitable became a reality: step by step, the Congress began to put pressure on our allies and simultaneously tightened the restrictions on peaceful economic transactions with the countries of Eastern Europe.

By the end of 1967, any aid to North Vietnam—even token assistance furnished at Moscow's insistence—disqualified the supplier from any meaningful, peaceful transactions with the United States.

Where does this leave us in our relations with Eastern Europe?

In attempting to answer this question, I think that we ought to begin by looking at the conditions which prevail in that area and which are quite different from the circumstances that applied when our policies of restrictiveness and non-intercourse were originally conceived.

I think that it is obvious to most of us that the passage of time, and various other influences, have brought profound changes in the systems imposed on the peoples of Eastern Europe during the post-war decade.

In Yugoslavia, the pace of evolutionary change, experienced under a single national Communist regime, is reflected in various ways: in a general internal liberalization; a virtual freedom of travel; the large measure of autonomy enjoyed by the constituent republics; the voluntary sharing of authority with local groups by the national Communist Party; the extensive relations with the West; and the joint ventures with Western capital .nd Western firms.

In Hungary, the period of intense repression which followed in the wake of the Hungarian Revolution has been succeeded by a movement toward a "national reconciliation." Coupled with that reconciliation has been widespread political amnesty, resumed contacts with emigre groups in the West, growing trade with Western Europe and other evidences of internal liberalization.

In Rumania, the break with the past—and with Moscow—has been most apparent in the field of international relations. There is little doubt that since 1962, Rumania has been moving in the direction of an independent national foreign policy. Concurrently, her leaders' public insistence on the independence and equality of all national Communist Parties has also been a source of keen discomfort for the Soviet leadership. It appears, however, that internal developments in that country have not kept pace with Rumania's strides in asserting her national identity in the realm of foreign affairs.

In Poland, much to the disappointment of

many observers in the West, the promises of the "Spring in October" seem to have been all but forgotten. The bold plans of Poland's economic planners, the promising writings of her young sons and daughters, the new art of her painters and sculptors—none of these are allowed to flourish. The recent acts of repression directed against Polish writers, students, and, most recently, the small number of Jews who still remain in Poland, fill all of us with dismay—and repugnance.

In some parts of Eastern Europe—in Bulgaria, East Germany, and Albania and in the Soviet-controlled Baltic States of Latvia, Lithuania, and Estonia—there is little evidence of evolution toward moderation and liberalization. Judging from all informed and impartial reports, the life of their peoples is no less dismal and constrained than it was five or ten years ago.

It is in Czechoslovakia, of course, where some of the potentially more far-reaching changes are taking place today. In recent months, the reins of authority have passed to a new generation of leaders—Communist, yes, but also Czechs and Slovaks, conscious of their national heritage. These new leaders are apparently also determined to part with the oppressive ways of the past. In addition, they appear more capable of realizing, at least in part, the burning aspirations of the Czechoslovak people for freedom and a better life.

This, then, is Eastern Europe today: an area of 100 million people, endowed with substantial human and natural resources, changing, evolving, moving in varying degrees in the direction of new social, economic, and political organization. Eastern Europe today is an area in ferment. It is an area whose people have been suppressed too long. But it is also an area whose people are reaching to the West, anxious to resume many old relationships and to fashion new productive ties.

How is the United States going to respond to these developments in Eastern Europe?

For my part, I find in the Executive Branch of our Government both the predisposition and the ability to respond to the challenge of evolution in Eastern Europe. The manner and impact of that response I believe can advance the legitimate long-range interests of the United States. It can do so by encouraging the pace of change in those countries through increased peaceful contacts, increased peaceful trade, and other methods.

I find similar disposition in parts of our private community—among some of our businessmen and labor leaders, newsmen and academic specialists, as well as among some civic and voluntary organizations.

Unfortunately, however, that same disposition does not seem to prevail among our national legislators.

In the Congress, by and large, the rigorous and conflicting attitudes of the past remain. Generated by misunderstanding and misinformation and supported by the force of public opinion, these attitudes are reflected in laws and policies that restrict our government's ability to respond, in a positive way, to positive developments in Eastern Europe.

This presents a problem. For looking to the task immediately at hand—for example—how will the United States respond meaningfully to the changes taking place in Czechoslovakia?

Is the United States going to move the way it did when Yugoslavia embarked upon a non-aligned course?

Is our Government going to agonize for months and finally decide upon half-measures the way it did when Poland came upon a turning point in 1956?

Or will we simply continue moving in the direction of increasing isolation from an important part of the European continent with which our national fortunes—for better and for worse—have been intimately connected since the dawn of our independence?

I firmly believe that the foreign policy of the United States must have as its goal the advancement of our legitimate national interests—security as well as economic.

I further believe that we do our country no service by proscribing peaceful intercourse with one-half of Europe—an area which is both strategically and politically important to the future of peace in the world.

Stemming from those two convictions is my urgent hope that our future policy toward Eastern Europe will be intelligent and realistic. In order to do so that policy will have to differentiate between the countries of that area and promote desirable changes within them. It must also expand our peaceful contacts, and strive to bring them back to the family of free and independent nations.

Above all, I feel that our policy toward Eastern Europe should stand on its own, responding to the requirements of our national interests.

There is a fire burning in Asia, but the smoke must not cloud our eyes to the changes which are occurring in both Eastern and Western Europe. Long after the conflict in Southeast Asia has ended, Europe will continue as a central concern of our foreign policy.

I realize that it is difficult in a time of great upheavals, when the patience, the determination and the resources of our nation are being severely tested, to concentrate on the requirements of our national security and material progress ten and twenty years into the future.

Yet this is precisely what we must strive to do if our nation is going to meet the challenge of these troubled times, fulfill its commitment to the cause of freedom, and witness the dawn of a better era.

The road to that goal may be long and tortuous. It will certainly demand the best that each and every one of us can produce. I am confident, however, that we are equal to the tasks which history is imposing upon us.

I know that you—as specialists in this field and leaders of public opinion—approach the assignment of this conference with one eye to the future. This, I am convinced, is the only rational and effective way of dealing with many of our present—and future—problems.

I am confident that your deliberations will result in some guidelines toward that end.

## ADDRESS BY CHARLES F. LUCE, CHAIRMAN, CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Mr. TYDINGS. Mr. President, Charles F. Luce, chairman of the board of Consolidated Edison Co. of New York, Inc., addressed the All Engineers Dinner of the American Power Conference in Chicago, April 24, 1968.

On behalf of the Senator from New York [Mr. KENNEDY], I ask unanimous consent that Mr. Luce's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

UTILITY RESPONSIBILITY: A NEW CONCEPT

(Remarks of Charles F. Luce, chairman of the board, Consolidated Edison Co. of New York, Inc., before the all engineers dinner, American Power Conference, Chicago, Ill., April 24, 1968)

About a year ago when I was serving as Under Secretary of the Department of the Interior, I concluded a speech to the Federal Bar Association by observing that: "The electric industry (in my judgment) will be measured as much by its effect upon the quality of our environment as by its ability to provide economical and reliable energy. I am optimistic enough to believe that, whichever yardstick is applied, it will measure up."

My viewpoint then was that of an official in a federal department which has important legal responsibilities to protect the natural environment of America. Today, as chief executive of an electric utility which serves a large city, I bring a somewhat different viewpoint to the problem of utility responsibility for protection of the environment. Happily I don't have to eat last year's declaration of optimism. Working within the electric industry as I have for the past nine months, I find its leaders are keenly aware of their responsibility to build and operate facilities that, insofar as practicable, will protect and even improve the natural environment. I find, also, a growing awareness of responsibility to protect and improve not just the natural environment but the social and economic environment of the communities served by the utilities. This latter concern, in the end, may prove to be the more significant to our industry's—and our nation's—future.

The classic statement of public utility responsibility is that a public utility has the duty to provide adequate service to all applicants at reasonable prices and without discrimination. For public utilities which supply electric energy this is an enormous responsibility. Not only must the utility supply today's needs of its customers for electric energy, it must forecast what those needs will be decades into the future, and make investment commitments of large sums of capital based upon the forecasts. If construction costs or interest rates are high, the utility cannot wait for more favorable conditions before it makes these investment commitments. Nor, perforce, can any utility decide, as some industrial corporations have decided, to move its operation to another part of the country where investment opportunity seems better. A public utility is joined in perpetual wedlock, for better and for worse, to the community it serves.

As large as this traditional responsibility may be, today a new and even larger concept of utility responsibility is emerging. It is not a substitute for, but a logical extension of, the traditional responsibility. It says that, as public utilities, we must not only provide good service to all upon just terms, but we must do so *with due regard for protecting—even improving—the environment.* And it extends not only to concern for the natural environment—clean air, pure water, the natural landscape, quietude—but also for the social and economic environment of the communities we serve. It has become very important to utilities whether Negroes and Puerto Ricans have decent jobs and housing and education and recreation. It has become important not just because it is morally right but because as public utilities we have an interest in the social and economic well-being of all the people we serve. They are our customers. If the social and economic vitality of our cities wanes, our investors, employees, and consumers are directly and adversely affected.

The new concept of public utility responsibility is not easily applied. For example, should a utility spend $140 million to put 25 miles of transmission lines underground when they can be placed overhead for $12 million? If so, who should pay the added costs: the people who live in the areas where the lines are to be buried and thus benefit directly? All the customers, through rates? Taxpayers? Which taxpayers: local, state or federal? Suppose a utility operates in a market with an adequate supply of skilled labor. Should it nevertheless expend money to train members of underprivileged

groups to raise their levels of opportunity? Should ratepayers or taxpayers bear the cost of the training program? Should a utility spend $2 million extra to make a generating station better looking, and perhaps build a playground next door to it? How deeply should it get into public recreation? Is not its primary duty to provide plentiful low-cost energy?

There is a natural temptation, I think, to go overboard for protection of the environment. To be for natural beauty and social justice is like being for motherhood and the flag. But we must remember, as electric public utilities, that the basic job entrusted to us by society is the provision of plentiful, reliable, economic electric energy. We cannot perform that job without some impact on the environment. It is not our option to decline to serve new electric loads, which is the only way that we could altogether preserve what remains of the nation's natural environment. If we build a nuclear plant we will discharge unnatural heat into the waters or into the air. If we build a pumped storage project, we will create an unnatural reservoir in the hills. If we install jet engines in the cities to meet peak electric loads we will create unnatural noise and air pollution.

But as electric utilities we are not alone in changing nature. Does a well designed electric transmission line damage the natural landscape any more than a bridge or a superhighway? Can society afford to place all transmission lines underground any more than to replace all bridges and superhighways with tunnels? Are the architectural achievements of man always necessarily inferior to the natural landscape? These broad questions, I think, can be answered quite easily. But in particular cases, there are very hard questions which can be resolved only by exercising that exclusive quality we call good judgment.

In the past, engineers, who comprise most of the technical competence of a modern electric utility, have not been specially trained by our colleges to make this type of decision, although modern curricula of progressive engineering schools are beginning to offer this new perspective. Traditionally, engineering discipline has measured function, economy, strength, and safety—but not aesthetics or social utility. There is a great challenge to our engineering schools—and I know they will meet it—to add these new dimensions to the training of their graduates.

What disciplines do train a utility executive to apply the new concepts of public utility responsibility? Surely, engineering must be the starting point, and the teachings of economics and accounting also are important. But architects and doctors and chemists and ecologists must be consulted, too; and when utilities address themselves to social and community problems, they must consult educators, political scientists, sociologists and psychologists. There is another discipline I must not neglect to mention: the law. Perhaps the lawyer, schooled to assemble and organize relevant facts to apply logic, and to deal with contentious situations, is as well equipped as any professional man to grapple with the management decisions of a modern utility. At any rate, this point of view has found some acceptance among my brothers at the bar!

I do not mean to suggest that courts, which are staffed by lawyers, will have an easy time enforcing the new concept of utility responsibility. In general, I doubt that its enforcement will lie in the courts, nor even primarily in administrative bodies. It involves daily questions of judgment and of taste that the principles of *stare decisis* and the procedural delays of due process are ill-equipped to deal with. But there is a tribunal in which the new concept will be enforced. It is, indeed, the ultimate judge of the worth of all economic and social institutions. I refer, of course, to public opinion. If our industry is to keep the public respect and esteem it has earned—upon which our privilege to serve the public ultimately rests—we have no choice but to apply a broad concept of public utility responsibility.

How to finance the new concept of utility responsibility is another hard question. Utilities are not eleemosynary institutions. All costs of service must be reflected in our rates, or charged to the Company's stockholders as corporate gifts. Investors are entitled to earn a fair return on the investment of their savings. If a particular utility does not offer investors a reasonable return, they will place their savings with another company which does. This is a consideration that every utility manager, confronted by the tremendous need for new capital to finance expansion, is constantly aware of.

Thus far I have spoken only in general terms of the new concept of utility responsibility. Specifically, what does it mean? Let me illustrate, for a few minutes, by examples of how we are seeking to apply it in New York City and Westchester County. I hasten to say that we make no claims at the Edison Company to greater accomplishment in this area than many other electric utilities which serve large cities.

Looking first at concern for protecting the natural environment, the biggest concern in New York City is clean air. Con Edison is by no means the worst air polluter. Motor vehicles, which emit more than 50 percent of the total load of air pollutants, must be awarded that dubious distinction. Incinerators of apartment houses, office buildings, industries, and the municipal sanitation department put more than twice as much particulate matter into New York's air as the Edison Company. The furnaces of New York buildings which burn high sulfur residual oil put as much sulfur dioxide in the air as all of our plants. In 1967 our plants contributed less than half of the sulfur dioxide in New York City's air and about 15 percent of the particulates. Overall we are responsible for not more than 12 percent of the *total* air pollution in the city. But our customers, who daily see our tall, gaily painted smokestacks, quite naturally give us credit for causing a much bigger share of the problem.

Our ultimate goal is to eliminate every Con Edison smokestack in town, and to reduce to zero our contribution of air pollution. Our long-range solution to the problem is nuclear energy and, hopefully, pumped storage. By 1980 we expect to generate 75 percent of our electricity in nuclear plants, compared to only 4 percent today.

We also have shorter-range solutions to our part of New York City's air pollution problem. Soon we will have spent $150 million on air pollution control devices, including precipitators that remove 99 percent of the ash from the stacks of our coal burning plants. Since last November all the fuel oil we burn has contained only 1 percent sulfur, and starting next month all the coal we burn will have 1 percent or less sulfur. In 1968 we will reduce our stack emissions of sulfur dioxide and particulate matter by roughly one-third. We also are seeking a change in oil import regulations comparable to that in effect on the Wheat Coast, which would enable us to buy, economically, oil with as little as 5/10ths, or even 3/10ths, of one percent sulfur content. We have offered to assist the City to build efficient, central incinerators which would burn refuse without air pollution, and produce by-product steam we would purchase to supply steam customers.

As we attempt to solve the air pollution problem through nucelar power plants, we must face up to another kind of pollution—thermal discharges—which may prove even harder and more expensive to control than air pollution. The most efficient nuclear plants discharge about two-thirds of their total energy as low grade heat. Even the most efficient coal-burning electric plants discharge about 50 percent of their energy in this manner. This waste heat must be dissipated either into the atmosphere by cooling towers, or into a natural body of cool water. Cooling towers are typically tall and ugly, and frequently emit a plume of steam. They are also expensive. If the waste heat is dissipated into a natural body of water, it may adversely affect the aquatic fish and plant life. The best solution would be to find a use for the waste heat, but since it is low grade this is not easy. The next best solution, we think, is to build the nuclear plants on large bodies of water capable of absorbing the heat discharge without damage to the ecology. In our case, tidewater locations are the best possibilities. All of the British commercial nuclear plants, I understand, have been located on tidewater.

By no means does the foregoing constitute a complete catalogue of the Edison Company's concerns for the natural environment. To improve the city's appearance, we are removing all of our old gas storage tanks, renovating the exteriors of generating stations, placing all distribution lines in new subdivisions underground. To make the city less noisy, we are procuring new and quieter equipment to break the city pavement, and installing transformers which produce a minimum hum. In suburban Westchester County, we have announced that we will not seek new rights of way for transmission lines. After we have used existing rights of way to the maximum extent, additional high voltage lines will be placed underground.

Our concern for the social and economic environment of our service area thus far has been expressed mainly in employment policies. Thirty percent of our new employees last year were Negreos and Puerto Ricans. Some 12 percent of our total work force now come from these minority groups. About 10½ percent of our skilled craftsmen come from these groups, as do 8.5 percent of our white collar employees. In cooperation with Local 1–2, Utility Workers of America, we have a new job training program for high school dropouts, and a new part-time employment program for high juniors and seniors in danger of dropping out because of economic pressures. Both programs can lead to permanent employment with us.

In addition to these employment and training programs designed to get at the root cause of urban and racial problems, we participate in short-range programs designed to ease the more immediate pressures. We have developed a vacant lot near a generating plant into two baseball diamonds and a football field. This year, perhaps through the Urban Coalition, we will make a financial contribution to support summer programs devised by the City of New York. These include youth councils, play streets, sprinkler caps, night lighting of playfields, street movies, bookmobiles, bus trips to outlying recreation areas, and the like.

We are heavily involved with the New York Yankees and the New York Mets baseball teams in a special baseball-community relations program growing out of our partial sponsorship this year of Yankee and Met telecasts. The two teams are giving the City about 800,000 free baseball tickets for distribution to underprivileged youngsters. For the Yankee games, Con Edison is providing free score cards with scoring instructions, and a former major league baseball star to sit with the youngsters to answer questions and discuss strategy both before and during the games. We also will sponsor baseball clinics, and baseball leagues and Yankee player visits to schools. Con Edison and the Yankees will give, jointly, several college scholarships. We are working on similar but not necessarily identical programs with the Mets in an effort to help cool off the summer.

There is much more that we can do, and hope to do, to help solve our city's problems. I hope we can cooperate more closely with

the public schools to make their vocational educational programs more effective. I hope, too, that we can take an active role in housing programs, especially the remodeling and upgrading of older housing within the city. I cannot forbear mentioning, either, another way in which we contribute to the city's social and economic betterment: we pay 8 percent of all the real estate taxes collected by New York City.

My remarks have been limited to utility responsibility for protecting the environment. In closing, however I should point out that throughout the business community, of which electric utilities are only a part, there is being articulated a new sense of environmental responsibility. Business must, of course, not lose sight of the need for profits. They are the savings, which, when reinvested, enable our economy to expand. The most efficient economies in the world, and those which distribute their benefits among the people most widely and equitably, are organized on the profit principle. But within the framework of this profit system there is unquestionably a quickening of concern for the impact of business decisions on the environment that can only auger well for the future of our land, and our form of society. That, however, is another story for another time.

## "SNOOPERITIS" IN AMERICAN BUSINESS

Mr. LONG of Missouri. Mr. President, one of Big Brother's most powerful tools is snooping. Whether snooping is conducted by Government agencies or by private companies, the net result is the furtherance of a police-state psychology.

We all know that corporate and industrial snooping is now being conducted on a grand scale. An interesting sidelight of this is the fact that many of the snoopers in business are ex-FBI agents who are hired by companies to spy on their own employees or on other companies.

Mr. E. A. "Bill" Butler, writing in the St. Louis Globe-Democrat, suggests that many of these ex-FBI agents are "lemons" that were booted out of the Bureau. Nevertheless, because of the prestige of the Bureau, these ex-agents are able to sell themselves to companies simply because they at one time or another worked for the elite FBI. To help remedy this situation, Mr. Butler recommends that the FBI give all departing agents a certificate similar to an honorable discharge. Any company hiring such ex-agents should routinely request to see this document.

This is certainly an interesting suggestion and one which the Bureau may wish to adopt.

Mr. President, I ask unanimous consent that Mr. Butler's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"SNOOPERITIS" INVADES SOME BUSINESSES

(By E. A. "Bill" Butler)

"I got a man in the Justice Department, can get me anything I want. Man in Albany, too, Attorney General's office, get me anything. New York Police Department, credit bureaus, you name it. Can reach in, nobody knows a thing—"

The man was drunk. I don't know whether he was a habitual drunk. Maybe he just had an especially liquid lunch with a client. But his judgment was so poor, he called me up when he got back to his office, and tried once more to sell me his services. Three things in his long harangue especially disturbed me.

He named a half dozen top U.S. companies who retained his services.

He billed himself as an ex-FBI man.

Every one of the things he boasted he could do for me was illegal.

In my travels around the nation I have noticed in a haphazard way the astonishing number of ex-FBI men who have been hired by corporations to take charge of what is often called "internal security." In these days of high-powered, high-level corporate spying, and widespread thievery among employes, it may be lamentably necessary to create such jobs. But there are several potential dangers which ought to be frankly discussed.

First, there has been a definite tendency to accept the self-billed "ex-FBI man" as a bona fide reproduction of J. Edgar Hoover himself. No one admires the FBI more than I do. But even Mr. Hoover must be willing to admit that like every elite organization, they find after a time they have hired a certain number of lemons, and they quietly weed them out. I was a Marine during World War II and I believe that the Corps trains better fighting men than any other organization in the world. (Okay, okay, you Army guys, I'll admit you won a couple of battles without us.) But I know that the Marine Corps issues a certain percentage of dishonorable discharges each year. The trouble with the FBI is, in its anxiety to maintain its unblemished image, it quietly separates its foul balls, without even a hint of explanation why.

This enables the bad actors to go right out and compete with the good guys, men who have imbibed the Bureau's high ethical and administrative standards. This in turn leads to the second, equally alarming phenomenon: the tendency for companies to use these security people to "get something" on their own executives.

I know of some companies where top executives, even the president of the company, are afraid to talk frankly on their own telephones. Imagine what this does to a man's loyalty, not to mention his effectiveness.

Sometimes the motive is simply company politics. Sometimes it is the machinations of the security man himself, who is out to build a little empire, often in cahoots with another ambitious executive. Whatever the motive, once snooperitis infects a company, it can balloon into a situation that approaches police state psychology.

Several things can and should be done to prevent the spread of this plague. The FBI ought to give a certificate, approximating an honorable discharge, on separating from the Bureau, and employers ought to routinely ask for such a document. The possibility of snooperitis, and the use of security procedures should be discussed frankly and openly at the highest levels of every company where they are in use. The security director should report, not merely to one man but to a committee, personally and and carefully selected by the chief executive officer.

It would be one of the great ironies of history, if American business succumbed to totalitarian techniques from within, while bravely flying the flag of free enterprise on its masthead.

## INTERNATIONAL HUMAN RIGHTS, A LIVE AND VITAL ISSUE

Mr. PROXMIRE. Mr. President, the United Organizations of Women from Central and Eastern Europe, composed of 12 separate groups, issued a short time ago a concise memorandum listing 29 violations of human rights of more than 150 million men and women in Central and Eastern Europe.

This carefully documented paper was prepared for study by participants at the International Conference on Human Rights which concludes this week at Teheran, Iran.

In the interests of humanity, I do genuinely hope the memorandum serves as a graphic reminder to the conferees that freedom-loving nations must diligently strive toward protecting the right of people everywhere to live without fear of national, religious, or racial discrimination.

I also hope that the Senate will perceive the same obligation to move quickly to condemn violations of man's inherent dignity and vote for the ratification of the Human Rights Conventions on Forced Labor, Genocide, Freedom of Association, and the Political Rights of Women.

It is important for the Senators to examine this concise document; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

[From the United Organizations of Women From Central and Eastern Europe]

MEMORANDUM TO GOVERNMENT REPRESENTATIVES ATTENDING THE INTERNATIONAL CONFERENCE ON HUMAN RIGHTS IN TEHERAN, IRAN, APRIL 22 TO MAY 13, 1968

The General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights on December 10, 1948, "as a common standard on achievement for all peoples and nations." Now, twenty years later, in the International Year for Human Rights, we women, organized into associations listed below, enjoying freedom of speech and belief and freedom from fear and want which were proclaimed as fundamental human rights essential to the dignity and worth of human persons, are mindful of the plight of more than 150 million men and women in Central and Eastern Europe whose human rights are violated in great or greater measure.

We present this Memorandum to you as a participant in the International Conference on Human Rights to be held in Teheran April 22 to May 13, 1968, to call your attention to the following violations, article by article, of the Universal Declaration of Human Rights.

Article 1. Equality in dignity and rights are denied to non-Communists in the Communist countries on the basis of social origin and birth in some, on national origin in others.

Article 2. The rights and freedoms which everyone is to be entitled to in the Declaration are denied on the basis of language, religion, political or other opinions, national or social origin, property, birth or other status.

Article 3. Everyone does not have the right to liberty and security of person.

Article 4. Forced labor, which is virtual slavery and servitude, exists. In all countries under the Soviet regime, women are forced to do work detrimental to their health and well-being.

Article 5. Torture, cruel, inhuman or degrading treatment and punishment are applied to achieve totalitarian conformity.

Article 6. Everyone is not recognized as a person before the law.

Articles 7 and 8. Judges are not bound by the laws the constitutions set forth, but by ordinances and decrees of the administra-

tion and by the "peoples' democratic order" which are determined by the Communist Party, according to its requirements at any given period. There is no effective recourse for acts violating the fundamental rights of the citizen to equal protection of the law.

Articles 9 and 10. Millions of people have been subjected to arbitrary arrests, detention or deportation, deprived of equality to a fair and public hearing by an independent and impartial tribune, before being sentenced.

Article 11. Those under arbitrary arrest are presumed guilty before a secret or *monstre* trial.

Article 12. The right to privacy, in family, home or in correspondence, is constantly violated and no law exists to give protection against such interference.

Articles 13 and 14. The right to freedom of movement and residence within the borders of each state and the right to leave any country, including their own, are denied the citizzens. The right to ask asylum from persecution is considered a crime or treason.

Article 15. Nationality rights have been revoked for criticism or opposition to Communist injustices. Soviet citizenship was imposed *en masse* upon people of occupied countries without their consent.

Article 17. Properties were confiscated without remuneration, and where there was resistance to relinquishment of property, arrests, mass deportations and even deaths resulted.

Articles 18 and 19. Freedom of thought, conscience and religion, opinion and expression, as is the right to seek and receive information and ideas through mass media from non-Communist countries, are prohibited.

Article 20. While the constitution seemingly guarantees the right of assembly, in reality no organization may exist, no assembly held, unless sanctioned and controlled by the regime.

Article 21. The will of the people is not the basis of the authority of the government. Everyone is compelled to vote in these countries. But they can only vote *yes* for the Communist-selected single list of candidates. They cannot vote *no*, nor can names be written into the ballots.

Article 22. Social security is meted out very discriminately.

Article 23. Free choice of employment and just and favorable conditions of work are limited to a small privileged class. Factory and agricultural workers lack even primitive sanitary facilities; trade unions, instead of protecting workers' interests, serve the interests of the Employer State.

Article 26. Discrimination in education is the rule. Education is aimed not to promote understanding, tolerance and friendship among all nations, or racial or religious groups, but rather to teach them hatred for all except those in the Communist sphere.

Article 27. There are restrictions on the right to participate in the cultural life of the community. The restrictions demand conforming to Party directives. Writers have been persecuted and sentenced to long terms in jail and forced labor camps because they demanded rights guaranteed in their constitutions or because of free expression of opinion and independent thinking.

Article 29. The free and full development of individual personality is restricted because of the duties imposed by the community.

Having listed the violations of these human rights, it behooves us to call attention to the fact that, although the General Assembly adopted a resolution in 1952 entitled "The Right of Peoples and Nations to Self-determination," this fundamental right, which is a prerequisite to the full enjoyment of all human rights, has been denied to the peoples under Soviet rule.

Human rights could be greatly advanced during this Human Rights Year if Member States of the United Nations would carry out the moral obligations that the Declaration imposes and ratify and implement the Covenants and other Human Rights Conventions adopted by the United Nations.

On October 26, 1966, the General Assembly of the United Nations called for the urgent consideration of ways and means of improving the capacity of the United Nations to put an end to violations of human rights wherever they occur.

We request most earnestly that the violations briefly listed above in countries of Central and Eastern Europe be considered among those to be stopped in other areas of the world.

Respectfully submitted,

Baltic Women's Council; Byelorussian American Women's Association; Council of European Women in Exile, representing women from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and Yugoslavia; Federated Estonian Women's Clubs; Federation of Lithuanian Women's Clubs; Georgian National Alliance; Latvian Women's Association in New York; National Council of Romanian Women, New York; National Council of Women of Free Czechoslovakia; Women for Freedom, Inc.; World Federation of Ukrainian Women's Organizations, representing Ukrainian women's organizations in Argentina, Australia, Austria, Belgium, Brazil, Canada, France, Germany, Great Britain, Venezuela and the United States; World Union of Lithuanian Catholic Women's Organizations.

## VIETNAM PEACE NEGOTIATIONS

Mr. McGEE. Mr. President, with American and North Vietnamese negotiators readying to confront each other face to face in Paris within a few days, it seems to me that all Americans, no matter what their views on the war in Vietnam might be, would do well to heed the advice offered Sunday in the Casper Star-Tribune of Casper, Wyo., and "mute their voices" in a display of wisdom and patriotism.

As the editor of the Star-Tribune has written, these Paris negotiations will be delicate, indeed, and our negotiators should not have to engage in talks with a drumbeat of propaganda from home undercutting their position.

Mr. President, I ask unanimous consent that the Star-Tribune's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOPES FOR PEACE

The acceptance of Paris as the site for preliminary talks toward peace negotiations speaks for itself. It carries a substance of hope, which must be accompanied by practical recognition of the fact that these talks could fail.

It would be too pessimistic to assume that the results will be negative. It has been a long road to get Hanoi to this stage of conversation. It will be a long road yet before any meaningful results can be achieved. The optimism must be based on the fact that North Vietnam is willing to talk at all.

Paris was carefully left out of official United States suggestions of possible cities in which talks might be held. This was by design, because if Washington had suggested it, Hanoi would have been obligated to reject it. This is an example of the peculiar ways of diplomacy, and such diplomacy is made doubly difficult when there is a confrontation of the occidental and oriental minds.

Meanwhile, there will be the usual domestic resistance activities to continuation of the war. At a time when the government has delicate negotiations in the balance, it would be the part of wisdom and patriotism for these resisters to mute their voices. They represent a small but loud minority and they receive more attention both at home and abroad than their numbers deserve.

The fact that many of them are sincere and conscientious need not be challenged. The greater fact remains that their demonstrations tend to weaken the U.S. negotiating position. They will claim some credit for the peace moves which have been made. Undoubtedly they have had some influence, but to accept their argument would be to pull completely out of Vietnam, out of this "immoral and illegal war," and to leave a vacuum in Southeast Asia.

Having been committed, the United States cannot follow any such international philosophy. American negotiators will have to be tough-minded, just as tough-minded as the men active in the battlefields. Otherwise, our efforts will have been lost and the sacrifices will have counted for nothing. Our future pledges would not be worth the paper and ink required to record them.

## FDA'S WAR ON VITAMINS

Mr. LONG of Missouri. Mr. President, Mr. James J. Kilpatrick, whose column is published in the Washington Evening Star, is one of the Nation's most persistent critics of bureaucratic abuse and the Big Brother syndrome.

The Star of April 18 contained an article by Mr. Kilpatrick in which he severely criticized the Food and Drug Administration's proposed food supplement regulations.

Mr. Kilpatrick has been in and out of Washington, covering the national scene as a working newspaperman, for more than 27 years. I recall reading a speech he delivered in March 1967 in which he concluded:

Of all the regulatory agencies that I have yet seen, none manifests the federal "arrogance of power" more persistently, in my view, or more maddeningly than the Food and Drug Administration under Dr. Goddard.

I ask unanimous consent that Mr. Kilpatrick's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. GODDARD'S WAR AN EFFRONTERY

(By James J. Kilpatrick)

Dr. James L. Goddard, commissioner of food and drugs, is back in the saddle again. He has announced a new assault upon an old target: vitamin supplements. He wants to impose his own judgment (and the judgment of his resident experts) upon a free society. Out of his way! Hearings begin on May 21.

This long-delayed war upon vitamins will be Superdoc's second major campaign of the year. Back in January, he began assailing the "efficacy" of certain old-line products: He pronounced a whole group of drugs, known as the bioflavonoids, to be ineffective for man in any condition. Whereupon he set in motion the legal machinery to get them off the market.

In making his declaration as to the bioflavonoids, Dr. Goddard chose to ignore the testimony of reputable physicians, writing in reputable medical journals, that these citrus derivatives are indeed effective for some men in some conditions. Consensus is the magic word, these days; and the consensus of Superdoc's advisory committee was that these particular drugs were no damn

good. He proposes to give their opinion the force and effect of law.

He would exercise the same olympian power in the pending case. Dr. Goddard proposes to require the manufacturer of dietary supplements to print the following two-sentence statement upon every label:

"Vitamins and minerals are supplied in abundant amounts by commonly available foods. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements."

Consider, if you please, the sheer effrontery of this remarkable rescript. The Food and Drug Administration does not contend that the familiar vitamin and mineral supplements, the one-a-day tablets, are in any way dangerous for human consumption. You could eat these things a bag at a time, like popcorn, and suffer nothing more severe than a mild disorder south of the navel.

No, indeed. The element of danger is no part of the picture. Once again, it is a matter of Dr. Goddard's undertaking to assert, by edict, what he regards as good for mankind—or in this case, what he regards as a waste of money. Thus he proposes his schoolmarmy notice, which, considering the limitations of a label on a bottle, is more than a notice; it is more like a long essay or a short book.

The first of the two sentences is doubtless a statement of truth, but it is one of those provisional, general truths with no particular meaning. Yes, vitamins are supplied in abundant amounts by commonly available foods; but supply is one thing and consumption quite another. To say that milk, liver, orange juice and leafy vegetables are commonly available is not to say much to persons unable regularly to avail themselves of these items in sufficient amounts.

The second of the two sentences is one of those wiggling ambiguities beloved of loophole lawyers and timid teachers. "Except for persons with special medical needs." Does this include the teen-ager who regularly skips breakfast and makes his lunch on candy bar and Coke? Or does this embrace only persons whose metabolic deficiencies are capable of specific diagnosis?

The larger trouble with the second sentence is that evidence is beginning to accumulate that the statement simply is not true. A study by the U.S. Department of Agriculture, for example, indicates that large elements of the American population are in fact receiving less iron, calcium, ascorbic acid and Vitamin A than the National Research Council believes is desirable. Committee studies by the American Medical Association and the American Academy of Pediatrics tend to support this view.

From the standpoint of political principle, however, it makes no difference whether Dr. Goddard is dealing in the hemi-demi-semi truth, or whether some "scientific basis" supports the proposed statement. In the absence of a demonstrable, clear and present danger to the public health, a federal agency has no business ordering people around or imposing dubious opinions by bureaucratic decree.

Is it a waste of money for a man to take a vitamin tablet every morning? Dr. Goddard says it is. But suppose a man or woman feels better, or thinks he feels better, because of this daily routine: Why should he be offically discouraged by a sort of mandatory letter to the editor printed on the label of a jar?

If Superdoc wants voluntarily to propound his own theories and throw his own cold water, well and good. But when he exercises his power to impose needless and nitpicking compulsions upon the makers of honest and harmless products, he abuses his office.

Coercive edicts are supplied in abundant amounts through commonly enforced regulations. Except for situations of special urgency, there is no rational basis for taking more of the people's liberty away.

## THE NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Mr. PERCY. Mr. President, on Friday the Labor and Public Welfare Committee reported H.R. 11308, extending the life of the National Foundation on the Arts and Humanities. As a representative of the U.S. Senate on the Board of the John F. Kennedy Center for the Performing Arts, as well as out of deep personal conviction, I wish to congratulate the committee.

I do so fully aware of the necessity for austerity in Federal spending. I have consistently supported a $6 billion expense reduction coupled with a 10-percent surtax. But fiscal responsibility or even austerity do not explain the 50-percent cut in authorizations for the Foundation that was passed by the House of Representatives. No other program has been immobilized by this kind of drastic withdrawal of congressional support. The Senate committee has recommended restoration of those costs. They have my full support in this effort.

I believe our Nation has a responsibility to encourage the arts and humanities. The judgment of history is passed not upon a nation's nuclear superiority or even upon its gross national product, but upon the quality of its life. Art should be an integral part of our lives, not a stepchild in a nation more concerned with goods than with grace, with power than with poetry.

While the people and governments of other nations have dedicated extensive resources and enthusiasm to the encouragement of the arts and have benefited greatly from the investment, the United States has consistently consigned the arts to the bottom rung on its ladder of priorities. The Federal Government has contributed very little to the development of the arts and this year seems ready to announce with dramatic self-righteousness that it will decrease that small contribution by half.

We will pay the price for this neglect.

We have no national theater, no training grounds from which actors of wide versatility can emerge to take their places in the theater of the world.

Our young singers have been forced for many years to seek employment with opera companies in Italy and Germany—companies of high reputation whose entire operations are subsidized by their Governments.

A generation of American poets, unable to find American publishers was forced to turn to Britain and other countries for their first appearance in print.

How many young Americans, whose natural talents and abilities could have led them into long and productive lives in the arts, have been forced to turn to other professions by the economic pressures of our society?

How many hundreds of potentially accomplished singers have grown discouraged and dropped from the ranks of those studying opera because they could not afford the risks of foreign bookings or study?

How many potential poets have we lost to the ranks of business and industry because our publishing houses cannot afford to publish poetry?

And, how do these losses—in talent and in inspiration—affect our lives as a people, and our purpose as a nation?

The effect, I think, is great. We need our dreamers, we need those who create beauty, we need those men and women who confront the reality of our lives, and tell us the truth as we see it.

And no one of us—not the scientist, not the statesman or politician—seeks the meaning of life around him more directly, more relentlessly—or more personally—than our artists.

Henry James described "art" as an "act of life":

> It is art that makes life, makes interest, makes importance, for our consideration and application of these things, and I know of no substitute whatever for the force and beauty of its process.

The work of a great artist can make us see. It can give man the reflective calm, the inspired reason to change his life, and the lives of others, for the better.

The desire in America to participate in and appreciate the arts is a strong and enduring force, especially now in the 1960's.

Our museums, housing some of the greatest collections in the world, are overflowing with visitors. The American Association of Museums reports that there were 120 million visits to the 3,500 galleries in 1955. There are now 5,000 museums in the country—and the total number of visits will pass the 300 million mark for the third successive year.

Obviously, the demand for use of museum facilities has grown enormously—more than doubling in the past 12 years.

To provide for these ever-increasing numbers of visitors museum directors search in vain for trained personnel, for adequate exhibition space and for instructors to staff classes in the visual arts.

But the key point is simply that the demand does exist—not only for museum exhibits, but also for literature, for music for theater and for dance. And the demand is increasing.

This year there are 623 recognized opera companies in this country, ranging in scope from the completely professional Metropolitan Opera to the community companies which must scrape together all of their resources to mount one major production each year. Twelve years ago, there were only 452 such organizations in the United States.

The number of symphony orchestras has doubled in the last 12 years. My mother, now in her mid-70's has played the violin in symphony orchestras ever since I can remember. I have seen the role that music has played in her own self-expression and the way she has been able to enrich the lives of others with it.

In 1955 there were only six resident professional theaters in the United States. Today there are 50.

In Just 9 years the number of dance companies in America has grown from 78 to 400.

In all of the performing arts there has been a growing demand during the past decade. An estimated 37 million Americans attended professional performances during 1963 and another 100 million purchased tickets to semiprofessional and amateur performances throughout the Nation during that same year.

During the past 2 years, studies of the economic problems of the performing arts, conducted for the Rockefeller Bros. Fund and the 20th-Century Fund, have done much to clarify the steps we must take if we wish to encourage the arts and artists in our country. The two reports offer conclusive evidence that massive new support must be found for music, the theater, and the dance.

Almost without exception, the price of admission to such a performance is insufficient to cover the cost of production—the prorated cost, per person, for providing that one performance on that one night.

The search for a solution to these problems leads to some highly oversimplified reasoning. The answer, I have often heard, is simply to raise the price of tickets to cover the total cost of a performance.

It should be obvious that such increases would put the performing arts totally beyond the reach of an important part of their present audience. The result would be an elite theater or opera, an exclusive symphony orchestra from which many middle-income and all low-income families, young people, and students would be barred.

Quite clearly raising ticket prices is not the answer.

My own feeling is that the best answer lies in a combination effort between the private and public sectors of our economy.

The National Foundation on the Arts and Humanities has been such an effort. Since its formation in 1965, the Foundation has proved itself to be innovative and productive. Despite the fact that their funds have been severely limited, the two endowments which make up the Foundation have judiciously initiated new programs of great benefit to individual artists and humanists, to performing arts and organizations—and through them to our entire country.

I am pleased to see that there is mounting support for the arts within the American business community, a new realization of the role the arts must play in a balanced society. To a great degree that awareness can be traced to the action of the Congress in 1965 in creating the National Foundation on the Arts and Humanities.

Early in 1967, David Rockefeller suggested, before the National Industrial Conference Board's 50th anniversary meeting, that steps should be taken to establish a Business Committee for the Arts. That speech set the wheels in motion. Slightly more than a year later, the committee was formed and "in business."

The committee's board consists of hardheaded, realistic, and practical men, a Who's Who of U.S. business and finance. The chairman is former Treasury Secretary C. Douglas Dillon. Some other members are: Roger Blough, chairman of the United States Steel Corp.; Katharine Graham, president of the Washington Post Co.; Devereux Josephs, director of the New York Life Insurance Co.; Gavin MacBain, chairman, Bristol-Myers Co.; H. Bruce Palmer, president of the National Industrial Conference Board; and the initiator of the concept, David Rockefeller, the president of the Chase Manhattan Bank.

At the inaugural session of the new Business Committee for the Arts, David Rockefeller made these comments:

We are this evening starting a new effort to interest the business community in their responsibility for the arts. The business community does have a responsibility for making profits and doing a good job in building the economy as well as supporting many other worthy causes. But the arts, too, are in need of support, and they must be supported by business.

Projects involving the arts are not just a kind of fluffy periphery of American life. They are essential to the root problems that face our country today. We have, at the present time, the most serious crisis in our cities that we have ever faced. We are asking Congress and the people to make sacrifices to deal with these basic, serious urban problems. But I wonder if the problems of the arts are separate from those. I believe that unless we can give the people who live in our ghettos, who are the under-privileged of our rich country, a hope to be able to enjoy the better things in life and not just the bare necessities—unless we can convince them that they, too, can share in beauty and creativity, are we really going to satisfy their wants?

We have whetted their desires and their aspirations. We have shown them that our country can create a way of life that is better than the lowest level of subsistence.

What this Committee is seeking to do is therefore not something that can be given third, or fourth, or fifth priority, either to ourselves or to our companies or to the country. It is of vital importance now. If we, as a committee, can contribute to bringing about in this country a renaissance of beauty and creativity and greatness in culture, we will have made a significant contribution to our country and toward solving the problems that seem in one sense so remote from the arts and, in another, so close to them.

This is our challenge and our responsibility.

As someone deeply committed to the goals and objectives of enlightened American business management, I find the formation of the Business Committee for the Arts reassuring.

Although business and industry initially concentrated their drive for social change on the physical environment of the community, it is inevitable that this drive should be turned now toward the expansion of the human mind and the creation of an environment in which man's spirit, as well as his body may flourish.

This same challenge and responsibility faces the Congress. The encouragement of the arts and artists must not be ignored when we draw up our list of national priorities.

The modest budget request of the National Foundation on the Arts and Humanities is an investment in understanding the spirit of man, and encouragement to that spirit to grow and express itself. It is the quality of that expression that measures the quality of our way of life. The commitment the Foundation is asking the Congress to make is not a commitment made in the name of luxury but in the name of excellence and of necessity.

## THE ROLE OF PRIVATE SECTOR IN ATTACKING RACIAL AND SOCIAL PROBLEMS

Mr. CASE. The important role that the private sector can play in attacking today's urgent racial and social problems has been pointed out many times in recent weeks. And there is heartening evidence of growing interest and activity on the part of business and civic leaders in various aspects of the problem, in particular, housing, education, and employment.

Two recent speeches, one by Richard B. Scudder, publisher of the Newark News, and the other by Charles F. Lazarus, president of the American Retail Federation, make clear the need for community commitment to the achievement of equality of opportunity for all our citizens. This commitment is not only a moral imperative, it is an economic and social imperative if our society is to survive.

I ask unanimous consent that extracts from Mr. Scudder's address to the alumni of Montclair Academy and remarks by Mr. Lazarus to the American Association of Collegiate Schools of Business be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Newark (N.J.) News, Apr. 21, 1968]

THE NEGRO'S PLIGHT: EDUCATION KEY TO EMANCIPATION

(NOTE.—Before the alumni of Montclair Academy, Richard B. Scudder, publisher of the News, on Friday discussed the racial ordeal of America. He found inferior education to be the severest impediment to Negro progress, that it has not kept pace with legislated advances, but believed there was encouraging promise in the pioneering role business has assumed to enlarge the field of Negro opportunity. Extracts from Mr. Scudder's speech follow:)

We alumni of Montclair Academy will be joined in a month or so by 46 new graduates who will mostly go on to college and to that concept of success which features a house in the suburbs and two cars.

At the same time, thousands attending high schools within a few miles will also complete their educations. They, however, will not go to college for the most part because they are not educated. They will not go on to a house in the suburbs because no such house will be within their means, and they will not have two cars because they won't be qualified for the kind of job that buys them.

It should not surprise you that I am speaking of Newark's schools. The graduates of these schools, most of whom are Negro, average two years or more behind the national norm in reading—the basic skill.

While Newark's situation is bad, it is by no means the only school system in New Jersey, or in the nation, which has these problems. Hundreds of ghetto schools will continue turning out uneducated graduates until you and people like you say "stop." . . .

To be sure, there has been progress. It is easy for anyone who has been concerned and involved to feel proud of the advances that have been made. Maybe the happy fact that there has been progress has deluded us, and in so doing helped to make the report of the President's Commission on Civil Disorders as shocking as it was, in its charge of white racism. However, the progress that has been made has been mostly legal progress.

RELUCTANT PROGRESS

The Civil Rights Act of 1964 was progress. Access to public accommodations was speeded, hospitals were desegregated and Negroes began to enter colleges. The Voting Rights Act of 1965 was progress. And this month has seen passage of a Federal Housing Law. Each law, incidentally, was passed by a reluctant Congress only under the pressure of public outrage. . . .

Unhappily, legal progress and real progress—social progress—have not proved to be the same thing. New Jersey has had the strongest Open Housing Law in the nation since 1947, but what of open housing in our State? Actually, the law has accomplished little. . . .

On all fronts the condition of the Negro remains desperate. His income is 40 per cent less than that of the average white's His chance of a white-collar job is one in five as against one in two for the average white. The likelihood that he will be totally unemployed is twice that of his white counterpart. His life expectancy is materially shorter. Equally important, the condition of his life has deprived him of things of the spirit. . . .

EDUCATION THE KEY

Education, of course, is the key to it all. Or the first key. In Newark, in the third grade in 1966, the reading median was 1.9; the national norm was 3.2. For grade six it was 4.0 and the national 6.2. For grade seven, 5.1 against 7.2 The gap widens as the student moves up in grades. . . .

Why is the situation in Newark so bad? It is bad because 30 per cent of Newark's new pupils every year come from the rural schools of the South, and are grossly unprepared It is bad because 28 per cent of the present pupils transfer every year. It is bad because there is a shortage of 10,000 places in the Newark schools. . . .

STATE AND FEDERAL HELP

According to "Report for Action," Gov. Hughes' Select Commission on Civil Disorder, "the reading and IQ medians for Newark show that well over half of the secondary students are or will be functionally illiterate at the end of high school if the trend continues."

What chance is there that the trend will not continue? Is there a chance that help will come from the state or from the federal government? It cannot come from Newark.

Newark has reached the limit of its bonded indebtedness. It has had to cancel plans for $51 million in new schools. Its tax rate is virtually confiscatory, and as more and more underprivileged flock to it, it progressively loses its ability to pay.

The problem can be solved only by the state or by the federal government, and there is justice in this. Why should Newark pay for the deficiencies of a southern education? Is this not truly a federal problem?

I am a member of the governor's special commission to study the capital needs of New Jersey, and this commission will recommend substantial money for secondary education primarily for use in areas such as Newark. This money and other funds for other needs will be voted on in November. What chance is there that such a bond issue will be passed? What will you do about it? . . .

It seems to me that we must insist that every child, black or white, gifted or ungifted, be given all of the education necessary to develop his full potential. Only when this is done will we have started to repair America. Only then can we feel the pride we ought to feel in our free democratic institutions.

AREAS OF HOPE

Having said all this, it is necessary also to say there are areas of hope.

The ghetto resident has acquired a powerful ally in business.

The Bell Telephone System has under way a plan to give training and create jobs for thousands of formerly "unemployable" residents. Of these, 500 jobs will be in New Jersey facilities. In fact, Western Electric, which has been for years in the forefront of the movement, only last month opened a new plant in Central Avenue, which will train and employ 180 persons in another month. It is also planning to open another plant nearby to employ another 70.

Many businesses and industries are working together in training and employment programs through the Chamber of Commerce, the Business and Industrial Coordinating Committee, the T.E.A.M. program, the Urban League and others. Such employers as Public Service, Bamberger's RCA, Mutual Benefit, Hoffmann LaRoche, the city's banks and many smaller employers are contributing executive time, money and equipment to training in clerical, mechanical, technical skills and basic knowledge of machines or electricity.

HOW NEWARK ESCAPED

One BICC program called SEED used business funds and equipment to train 610 unemployed in various skills and place them in jobs in less than a year. It hopes soon to open a machine-shop center for 500 men and a clerical-skills center for 500 women at a cost of about $2 million.

Perhaps this explains why, after the murder of Dr. King, major trouble in Newark was forestalled by a true community effort. Not only were the mayor, clergymen, educators and ghetto residents in the streets urging modernization, but hundreds of black teen-agers, organized and led by members of their own community, joined their elders in this mission.

Maybe this gives reason to hope that we are entering a new era in which cooperation may replace recrimination, and we will at last make a real effort to correct the terrible inequities of our cities.

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QUEST FOR EXCELLENCE: A BUSINESSMAN'S RESPONSIBILITY

(By Charles Y. Lazarus, president, the F. & R. Lazarus Co., American Retail Federation, vice president, Federated Department Stores, Inc., to the American Association of Collegiate Schools of Business, Council of Professional Education of Business, commerce honorary fraternity, Miami Beach, Fla., April 20, 1968)

Some of the best minds in America are now telling us that our nation today faces the most severe domestic crisis that we have confronted since the black hours of 1863.

The newspapers report that we have set new records for violent crime in our streets.

The scientists say that our air is too often unfit to breathe and our water unfit to drink.

The sociologists report that too many of our people are crammed into quarters that self-respecting rats would not tolerate.

Engineers say that Manhattan traffic now moves at an average rate of less than eight miles per hour, and—as our Federal Chief of Transportation recently commented in jest—we can take comfort from the fact that it may be another two hundred years before the whole system comes to a grinding halt.

Last summer, about 100 of our cities erupted in racial violence that left more than 100 dead, some 2,500 injured—plus property damage estimated at hundreds of millions of dollars. Events have already made it clear that we can look for nothing better in the summer months ahead.

There is, of course, nothing new in this brief report on the "State of the Union". I have repeated it only because it provides a backdrop, a kind of "mood music", for the subject I want to discuss with you today.

I come here with two convictions:

My first conviction is that the urban crisis cannot be exaggerated. We are not faced with a minor and distracting ailment that can be cured with aspirin tablets and bed rest. We are dealing with a deep-seated malignancy that can be mastered only by daring and imaginative procedures that, very possibly, lie beyond the present frontiers of human knowledge.

My second conviction is that no single group can cure this ailment by itself. This is a job for everybody—for business, for government, for labor and for you in education, particularly business education.

Let me make it clear that I am not so presumptuous as to think that I know how to solve the urban problem. I appear here, not as an expert, but as a businessman who has become convinced that it is now in the public interest to rock the boat of apathy just as hard as we can rock it.

Earlier this year, in my capacity as President of the American Retail Federation, I told my colleagues in business how delinquent I feel business has been in recognizing and facing up to our urban problem.

Similarly, in conversations with a variety of Washington officials, I have wondered how our government can so casually assume that a rebellion can be quashed by a few million federal dollars doled out through federal agencies or channeled through what they, hopefully, call, "the private sector".

Today, I want to raise some questions about your field, education for business, not to tell you how to conduct your affairs, but, hopefully, to stimulate you to undertake the kind of painful self-examination that the emergency requires.

It seems to me that most of us have forgotten how we got into this mess in the first place. My experience qualifies me to testify only for business—but here the record seems clear.

Look at business as it existed 50 to 75 years ago. Then, business tended to be a personal, family enterprise, dominated by great individual entrepreneurs—pioneering titans who were widely known and highly respected. Perhaps they did not understand modern public relations techniques. Maybe one of them did say "the public be damned". But, they also had a clear comprehension of the intimate relationship between business and community. They were personally involved in local government. They built schools. They built roads and hospitals. They formed the Community Chest, the Boy Scouts, the YMCA. They spent time and money training their people how to create an environment in which both people and business could flourish. In fact, the cities we now call obsolete are the cities they built generations ago. Just look at the date on the cornerstone of your City Hall or State House and you'll know what I mean.

Over the years, our people multiplied, and their home towns grew in size. The personal family enterprises gave way to the inexorable demands of growth. Merger and acquisition gobbled them up. The concerned home-town owner—who felt that his destiny was pretty much bounded by the city limits—was replaced by the paid professional manager whose markets were national and whose personal ambition was to get transferred to the home office where his ultimate goals could be achieved. In short, we have taken the permanence, the heart of our cities, and we have replaced it with an antiseptic competence that cared about our communities on a merely temporary basis. We have merged the business sensitivity to local environment pretty much out of existence.

Public relations replaced personal involvement. The corporate contributions program was substituted for the hard, sweaty toil of devoted people. Top management moved out of what, by now, were branch office cities and moved into the remote, impersonal skyscraper suites far from the maddening crowd. While all this was going on, government also forsook Main Street. It moved to Washington and talked to the electorate on television instead of on street corners.

It seems to me that you, in education, also took your cue from the new, impersonal society. Out of our business classrooms came a new kind of graduate—better educated, better trained in the traditional skills of management, but almost totally insensitive to the need for deep, personal involvement in and understanding of community affairs and totally lacking in comprehension of the fact that the corporation can grow and prosper only so long as it creates an environment in

which people grow and prosper as well, wherever it operates. If you doubt that statement, just ask yourself how a whole generation of corporate executives could drive their Cadillacs through the slums of America and not know that, one day, these ghetto-poor would rise to threaten both the corporate balance sheet and the whole fabric of American life.

Now, obviously, I don't want to charge you, as educators, with sole responsibility for what I regard as inexcusable national callousness. But neither do I exonerate you. Here are three pieces of evidence that suggest that education may, unwittingly, have comtributed to our current dilemma.

As Exhibit A, consider, first, the emphasis that our colleges and universities give to urban problems.

I have made no national survey, but I did thumb through the faculty and staff directory of Ohio State University, located in my home-town of Columbus. I count well over 300 full-time people who represent agricultural interests—not including the multimillion dollar agricultural research and development center at nearby Wooster, Ohio. Agriculture is important. It may well require this kind of manpower. But, by contrast, I could find only twelve people who had even the remotest connection to urban problems. I suspect that this local sample would be borne out nationally. How could it be otherwise when our nation has, for years, spent far more of its dollars on corn and hogs than on the ills of its cities.

As Exhibit B, I want to tell you about a survey of business school graduates that is being conducted by Dr. John F. Mee, Mead Johnson Professor of Management at Indiana University. Dr. Mee will, ultimately publish a full report of his findings. Meantime, he has given me permission to release to you a few of his preliminary results.

Briefly, what Dr. Mee is doing is to audit the attitudes of representative M.B.A.'s toward their understanding and participation—and their company's understanding and participation—in community affairs. He is getting his answers in two ways. First, he is conducting a mail survey of young M.B.A.'s who received their degrees within the last eight years and who now hold executive jobs in junior and middle management. The survey covers graduates of many of the well known business schools who are now working in all sections of the country, in cities small and large.

Dr. Mee buttressed this mail survey by a second step. A group of ten M.B.A.'s submitted to an intensive taped interview conducted by a clinical psychologist. Again, the object was to determine what these young men now do in community affairs; what they think they ought to be doing; what their educations did or did not provide by way of preparing them for real life experience.

Let me hit a few highlights, based on this research. Even these early results point up the need for both businessmen and business educators to take a new look at themselves.

Dr. Mee finds that one out of three of these rising young executives participates in his community in no way whatsoever.

Perhaps even more revealing is the kind of involvement by the two-thirds who say they do participate. The largest group is involved in raising money for United Appeal; the second largest group in University fund raising; the third largest group, in church fund raising. In fact, these three categories account for the only meaningful activity by the group as a whole. Far be it from me to deplore these worthy money-raising efforts, for I'm somewhat involved in these myself. But I ask this question: Is business really facing up to the urban problems when the best trained people in its employ either don't participate in the community at all—or, at best, participate only on the fringe of the crisis area?

The concern I express is, in fact, echoed by these young M.B.A.'s themselves. The Mee survey found that virtually all believed community understanding and participation was of great importance to the business executive. Almost universally, they felt that they, themselves, should be much more deeply involved than they are.

That is the paradox. They aren't doing what they know they ought to be doing. Why? Again, Dr. Mee comes up with some answers.

Only three out of ten respondents felt that his company considered it "essential" for an executive to participate in community affairs.

Equally important, the respondents report that only one out of six of their community activities was viewed as being "very important" to the corporation.

Those answers suggest three things:

1. That middle management people do what they think the boss wants done;

2. That most of our big business enterprises are ignoring most of the problems on the community front;

3. That the training provided in business schools has placed little emphasis on the importance of community activity. If it had, the boss would be giving different instructions to his people.

The assertion is borne out by another of Dr. Mee's findings. Two-thirds of this M.B.A. group reported that they had received no training at all in graduate school that helped them participate effectively in the community—or understand why they should participate. In case you feel that this is not a proper function of a graduate school because the subject is taught at a lower level, I can report that Dr. Mee also questioned undergraduates on this score. Even more of them—about three-quarters—said that they had had no instruction in their undergraduate careers that helped them in the field of community action.

This testimony in Dr. Mee's survey is confirmed by another piece of evidence assembled by my friend, Dr. W. Arthur Cullman, Director of Graduate Business Programs at Ohio State. Dr. Cullman has made a study of the graduate programs offered at 50 of our leading business schools. This is what he found:

The 50 schools offered a total of 101 courses that had some bearing on the subject of business-community relations.

Only 31 of these courses—less than one per school—were required.

Only fifty-two of the 101 courses paid major attention to the subject of community participation.

Eight schools did not offer any course at all that touched the subject in any way, even minimally.

That is the statistical evidence. Now, listen to the spontaneous comments of the participants in the Mee survey. These young men tell us two things, loud and clear:

First, they tell us that they don't like the way things are. They know what's going on. They want to be involved, but they're hemmed in by strangling corporate attitudes and by lack of personal preparation. Here is one voice crying in the wilderness. Let me read what he said:

"As I fly towards Washington, D.C., it seems particularly appropriate to complete this questionnaire. As an individual, I am very concerned about some of the major social and political issues confronting us as individuals and as citizens. I have found, however, that almost any attempt to deal with these issues ends in frustration, because I have no individual or institutional power base from which to operate. I am limited in both personal time and funds which I may commit. Furthermore, I am unable to commit corporation funds or influence. Consequently, I find myself expending 99% of my efforts on my professional responsibilities where I can influence all levels of management, from the president down to local plant managers, in my special area of expertise. Thus, I see the fruits of my efforts ripen into effective action. What other influence I may have and what other time and energy I may have, seems best devoted to my family and our individual relations within our local community. I do not like this state of affairs, but I see little other alternative at this stage in my life. I take this time to indicate my feelings to you, in case it is representative of others who may also be involved deeply in their professional careers in middle management, yet who are dissatisfied with the ways things are."

The second thing that these young men confirm is that their educations gave little emphasis to—and no preparation for—understanding of and participation in community affairs. Again, listen to these M.B.A.'s talk:

"When I was in school, there was never a discussion regarding social responsibility." * * *

"I don't recall any allusion to the problem at all." * * *

"I think it is something that cannot be avoided in any responsible curriculum * * *. If you are going to learn about business and the environment in which a corporation operates, you can't help but try to absorb things about the society, for the society is the corporation's environment."

What that last young man said was: "The Society is the Corporation's Environment."

Nothing could be more obvious. And yet, that single phrase has tied business in knots for two generations. For when we suggest that the corporation should do something constructive about that environment—should invest some of its time and some of its dollars in improving that environment—we run into a good deal of criticism from business itself. A lot of businessmen earnestly argue that profit is the only legitimate corporate goal. They see no connection between environment and profit. They describe those of us who advocate community involvement as "bleeding hearts". In fact, even the staunchest business advocates of social participation lamely describe their community activities as "enlightened self interest". They seem to be half ashamed to admit that a big corporation cannot, by itself, control its own destiny. None of us likes to tell his stockholders that profits depend on something more than how we run the business. In consequence, many of us pretend that our companies are little islands—safe from the winds of social and civil upheaval. And yet, you and I know that no corporation can earn a predictable profit in the years to come unless we meet the present rebellion with workable answers. And I don't mean answers acceptable only to the corporation, but answers that can be endorsed by the whole community.

That fact seems obvious to me; nevertheless, let me document it. I am a retailer in Columbus, Ohio. Fortunately, our town has a good business climate and environment. But I know that in other cities, many of my colleagues are not so fortunate.

To put it bluntly, when riots occur, business comes to a shuddering halt. Customers stay home. Buses don't run. Employees can't get to work. Our physical plant is endangered. Police costs mount. Taxes go up. The impact of riot on the balance sheet can be enormous. Am I justified in trying to help Columbus do those things that will improve its business climate and environment? I think I am.

But some will argue that riot is the extreme, the exception. Let us hope that it remains so. Even without community chaos, however, our profit statement is geared to the Columbus climate in a thousand ways. Take the case of the bright young man we want to recruit for our business. We bring him to Columbus to meet our people and see our store. He makes a judgment of us as employers and as colleagues. But he also judges Columbus as a place for his family to live—and that judgment rests on the qual-

ity of our schools and hospitals, the opportunities for jobs and recreation, the spirit of our community. Question: What balance sheet value should we place on the impression that our community makes?

Or take the case of the manufacturer who is seeking a new plant location. He weighs such physical factors as water, transportation and convenience to his markets. But he also weighs the quality of our community life. Our store would like to see that manufacturer come to Columbus—bringing, say, a thousand new jobs along with him. Those jobs could mean a thousand new customers for us. The decision, however, will rest, not on how good our store is, but on what that manufacturer thinks of Columbus as a place for his people to live and work. We don't control the decision. But we do have to live with it—another unseen item on our corporate score card.

And that brings me full circle in my argument. I add up the problem this way:

The crisis in our cities is real. It is here. It is not going to go away unaided.

Business cannot solve the problem by itself—nor can it ignore it. The evidence is clear that business cannot prosper apart from the communities in which it operates. We, and every other element of our society, have to stop being part of the problem and start becoming a part of the solution.

To be part of the solution, we need more corporate top executives who understand the problem and who accept the size of the commitment that they, personally, must make to their communities, both to those where they live and to those where their corporation operates. The boss can't send a delegate. He, himself, must set the tone and do the job.

We are making some progress in this regard. Executives who, a year ago, couldn't be bothered about civil rights are, today, standing up to be counted on such touchy subjects as jobs and housing. But not enough—and with nothing like the speed that is required.

How do we accelerate this trend? That's the question I bring to you who are training tomorrow's top executives. I do not presume to answer it. I can tell you what I would like to see.

A friend of mine who is a college president has told me that it is far easier to move tomb stones in a graveyard than it is to get educators to make a change in the curriculum. Nevertheless, I think business has no alternative now but to turn to you for help. We need your scholarship in helping us define how business can work more effectively at the community level. We want to enlist your aid in teaching young executives what they need to know to provide community, as well as corporate leadership. And we want to challenge you to figure out how a corporation can best apply the traditional disciplines of the profit system to an expanded definition of what profitability really means today, both at the corporate national level and in every American community in which that corporation operates. Business needs help in new, ingenious and imaginative organizational techniques to place the responsibilities for local environment as high on the balance sheet as volume and profit, and it needs help in devising new techniques to measure the contribution of its local management to that local environment.

The major elements of our society—business, government and education—have all gotten so big and so impersonal that we have departed from the basic strengths that made America what it is today. We need to take the thrust of American life back to the individual in his local urban environment, where he lives, where he does business, where he practices his chosen profession, where he teaches and where he participates in government.

I'd like to see every one of you accept a personal responsibility—as an educator—for doing what you can to help America in this hour of crisis. The record is clear that too many of your graduates have little, if any, sense of the true relationship between business and the community in which it lives. Decide for yourself. Is it, or is it not, a proper function of your school to teach people not only the traditional skills of business, but the new skills of producing an environment in which local business—along with all the rest of urban America—can survive and prosper?

Then, ask yourself this question: They say that a lot of our brighest youngsters are turning away from business careers. Could it be because business—and schools of business—have pretended that the corporation can largely ignore the major problems of American life? Are these youngsters pursuing other careers because they have been taught that a business career is an end in itself and not a means to an end and that business could care less about what happens to the nation and its people? Are they turning their backs on us—and on you—because we haven't told them what a corporate executive can really contribute to his city and country? You may have to do what you made business do years ago. We had to learn how to alter our jobs to fit the brighter people you sent us. You may need to figure out how you can fit education to the problems that our cities and our country presently face. You may have to rewrite some of your textbooks and develop new teaching techniques so that tomorrow's executives will have a clear understanding of the social and community implications of our profit system; so that your students will have an even clearer understanding of the real nature of our urban problems and the businessman's responsibility to help solve them.

All this, I should point out, sounds far more revolutionary than it really is. Every executive that I know would agree that the first duty of a corporate executive is to protect the assets of the company—today and in the future.

The simple fact is that those assets can no longer be protected by the traditional business disciplines alone. A new kind of corporate statesmanship is required. The new corporate statesman does not believe that it is his job to manipulate his community into meek acceptance of the corporation's private and selfish goals. Rather, he accepts his full share of responsibility, not only for the products he markets, but for the schools we operate, the air we breathe, the water we drink, the government we support, the pictures in our museums, the music in our concert halls, the health of our citizens, the peace and tranquility of our neighborhoods, the health and viability of our communities—in short, he accepts his share of responsibility for the environment in which he operates. And he brings to all these community needs the full weight of his company's knowledge, experience and resources—knowing that tomorrow's balance sheet cannot be separated from the quality of our community life.

Yes—there was a clamoring in the streets last summer. It made a lot of people take a new look at themselves and what they're doing. I was one of those. That's why I wanted to talk to you today. I think our country and all of the elements of the society that make up this great nation, have a big job to do. We need to train some new business statesmen. I'm hoping that you will help us do it.

## TRANSCRIPT OF TV INTERVIEW WITH SENATOR ROBERT C. BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a transcript of questions which were asked of me during a TV interview filmed on May 1, 1968, together with my answers thereto.

There being no objection, the transcript was ordered to be printed in the RECORD as follows:

TEXT OF SENATOR BYRD'S TELEVISION INTERVIEW, MAY 1, 1968

Question. Senator Byrd, the Reverend Ralph Abernathy and other leaders of the Poor People's March have been in Washington this past week in advance of their forthcoming campaign. What is your reaction?

Answer: Well, I think some of the statements were arrogant, demanding and offensive. But I see nothing wrong with Mr. Abernathy's coming to Washington to present his viewpoint concerning the poor to the various Government officials. Every citizen has a constitutional right to petition the Government. Mr. Abernathy has this right. But as to the poor, many of us have been interested in programs for the poor a long time before we ever heard of Mr. Abernathy. For example, it was my Food Stamp bill which passed the Congress last year to extend and to expand the Food Stamp Program for the poor. And, the Federal Government is already spending billions of dollars annually on programs for the poor and there is a limit to what the Federal Government can do. For example, we have many, many demands upon the tax dollar. And our tax rates are already high, and any new programs are going to cost money and that money will have to be paid for by the taxpayer. So, Mr. Abernathy's visit to Washington was one thing, but I do not subscribe to threats and intimidation of the Congress. And I do not believe that the Congress should act under duress. And, I thoroughly object to the March on Washington and the demonstrations which are a part of Mr. Abernathy's program and which are yet to occur. And, I think that our Government was very weak-kneed, in not having made the effort to prevent these from taking place.

Question. Did Mr. Abernathy ask to see you?

Answer. He did not.

Question. If he should ask, would you see him?

Answer. Well, I would make an effort to work an appointment into my schedule.

Question. Senator Byrd, what is your view on the recent number of college campus demonstrations?

Answer. Well, what has been occurring all over the country, is just what I predicted would occur a few weeks ago, when Howard University officials, here in Washington, capitulated to the demands of a group of students who took over the administration building and occupied it. This is primarily a disciplinary problem. Education, like so many things in life, requires discipline. What we have been witnessing, throughout America in recent weeks and months, has been a breakdown of discipline resulting from the excessive permissiveness which has increasingly afflicted this country in the past decade. And, I believe that the spineless response of college administrations, to the challenges to their authority, has been encouragement to these revolts and will encourage more. Of course students have a right to a voice in their affairs, and they should be given every responsibility which they will accept and which they can properly discharge, under the supervision of duly constituted authority. But there must be a respect for authority. And the colleges and the universities, as well as society itself, have not only the right but the duty to enforce rules of conduct. And, unless colleges and universities and our free society do enforce discipline and return to a respect for authority, then our free society, as we know it, and the college and administration system, as we know it, are going to collapse.

Question. There has been a great deal of

difficulty in getting the Vietnam peace talks underway, Senator Byrd, what are your views on it?

Answer. I recognize the disadvantages that would confront our leaders if they were forced to meet in an unfriendly country, where communications are not secure. I know, however, that our Government has stated, repeatedly, that it will go anywhere, at any time, and speak with anyone who can talk with authority. I believe our President is sincerely making an effort to do this. It is my understanding that there are exchanges of views presently going on between Hanoi and the United States Government and I certainly hope that preliminary talks will occur. I believe that a site will be agreed upon. I think that it is important that we meet. It is important that we explore all the possibilities for peace. The important thing, the vital thing, as I see it, is that the talks not break down before they have begun.

## LAW DAY

Mr. BYRD of West Virginia. Mr. President, May 1 is celebrated throughout the United States every year as law day.

Two fine law day addresses were given last Wednesday by Judge Thornton G. Berry, Jr., a member of the West Virginia Supreme Court of Appeals, and Judge Robert E. Maxwell, Chief Judge for the Northern District, Federal District Court.

Judge Berry spoke to members of the Randolph County Bar Association in Elkins, W. Va., and said:

The law is everyone's business and everyone's protector. It is an integral part of our social, economic, and governmental structure.

He cautioned lawyers to respect their profession, saying:

The practice of law is more than an economic livelihood. It is a sacred duty. If we personally do not respect and follow the laws, if we do not respect and support the judiciary, if we do not encourage the best among us to become judges, if we do not protect and advocate our client's case regardless of how much we may personally dislike it or him, then we dishonor ourselves and our profession.

Judge Maxwell spoke in Bluefield, W. Va., to a luncheon meeting of attorneys. He stated that "orderly protest" is a basic and necessary American right, but "we cannot—indeed we will not—permit mob rule to supplant rule by law. Orderly protest lies at the bedrock of our democratic institutions. Mob rule, violence, burning, and looting, on the other hand are the impermissible extremes, the first reckless steps in the downward plunge into the darkness of anarchy, jungle laws, and nothingness."

I ask unanimous consent that accounts from the Elkins, W. Va., Inter-Mountain and the Clarksburg, W. Va., Exponent concerning these speeches be printed in the RECORD.

There being no objection, the articles entitled "Law Is 'Everyone's Protector'" and "Judge Maxwell Scores Mob Rule in Law Day Address" were ordered to be printed in the RECORD, as follows:

### JUDGE BERRY TELLS ELKINS AUDIENCE LAW IS EVERYONE'S PROTECTOR

"The law is everyone's business and everyone's protector. It is an integral part of our social, economic and governmental structure."

Those were the words of Thornton G. Berry, Jr., presiding judge of the Supreme Court of Appeals, who spoke to members of the Randolph County Bar Association and their guests at the Law Day observance held Wednesday at Benedum Hall on the Davis and Elkins College campus.

"Some men fail to see the basic role of law in our society because of the restraints that specific laws lay upon their activities," Judge Berry stated. "No system of government known to man is free from errors of judgment in the law making process. There is need for constant vigilance against the enactment of unwise laws and for the modification of other laws that do not serve the general welfare. . . ."

Judge Berry said that despite the superabundance of laws, there is a need for more law—"not necessarily the passage of a greater number of bills through Congress . . . rather . . . the application of law to new situations and the more effective use of judicial methods to settle disputes of various kinds."

Judge Berry stated that "we should revive and develop the ancient spirit of righteous indignation. The citizen who knows of public wrongdoing and remains silent through indifference or cowardice is as reprehensible as the wrongdoer."

The program began with a welcome by Charles Potter, president of the student council at Davis and Elkins College. The Rev. Douglas Oldenburg, pastor of the Davis Memorial Presbyterian Church, gave the invocation and Sandra Lowe, a D&E student, read President Johnson's Law Day proclamation.

Jack R. Nuzum, president of the Randolph County Bar Association installed Dr. Dorothy F. Roberts as an honorary member of the association. Dr. Roberts is a member of the history and political science department at the college.

Judge Stanley Bosworth of the Randolph County Circuit Court introduced Judge Berry.

Before the D&E program began, Elkins High School took part in first-in-history statewide hookup of schools via telephone for a "Law Day USA" observance complete with Gov. Hulett C. Smith, the majority and minority leaders of both houses of the West Virginia Legislature and judicial leaders speaking from "tuned-in" schools ranging alphabetically from Beckley through Elkins to Wheeling.

Though the technique had never before been used, several things could be expected of the experimental program: the acoustics would be imperfect; the battery of leaders would speak too long from their posts at the speaking ends of telephones around the state; and many of the things they said would be too "pat"—partly because the leaders didn't know any more than the students did what to expect of the new technique and partly because delivering an address into a telephone receiver isn't exactly a stimulating experience.

Nevertheless, the precedent-setting experience—in Elkins, in the auditorium of the high school—has opened a new avenue of communication to the state, and in fact parts of several of the addresses were very much to the point: the "Conversation with Youth on Law Day" was a success.

Elkins Lawyer Keith Cunningham served as "Law Day" program chairman.

"Law Day is Not a 'Lawyers' Day . . . but an occasion for honoring the place of law in American Life", Supreme Court Judge Thornton G. Berry, Jr. told an Elkins audience Wednesday.

Then he directed this brief message to the legal profession: "The practice of law is more than an economic livelihood. It is a sacred duty. If we personally do not respect and follow the laws; if we do not respect and support the judiciary; if we do not encourage the best among us to become judges; if we do not protect and advocate our client's case regardless of how much we may personally dislike it or him, then we dishonor ourselves and our profession . . .

"We are the means by which our laws and judiciary function . . . we must accept that fulfilling our duties may at times be unpopular. No lawyer worthy of his profession should ever let personal considerations or public popularity or sentiment discourage or prevent him from doing his duty to his client or his duty to our system of law . . . no lawyer acting in good conscience can refuse a man or a cause because it may injure the lawyer's income, popularity or influence . . ."

Jack R. Nuzum, president of the Randolph County Bar Association, presided for the "Law Day USA" ceremonies at Davis and Elkins College and Elkins High School. Miss Barbara Snedegar, president of the Student Council at Elkins High School, responded for the Elkins school when Gov. Hulett C. Smith took a roll call of high schools participating in the 15-city "Law Day USA" telephone hookup.

### JUDGE MAXWELL SCORES MOB RULE IN LAW DAY ADDRESS

BLUEFIELD.—U.S. Judge Robert E. Maxwell, addressing himself to the citizen protest which is sweeping America, made a case here Wednesday for "orderly protest" as a basic and necessary right in the American system of government.

Speaking to a Law Day audience of lawyers at a noon luncheon, he said, "There is nothing in the entire system of American jurisprudence which denies an individual the free exercise of his conscience and the right to advocate his own beliefs."

But he took a very positive position against violent and disorderly protest, saying:

"We cannot—indeed, we will not—permit mob rule to supplant rule by law. Orderly protest lies at the bedrock of our democratic institutions. Mob rule, violence, burning and looting, on the other hand, are the impermissible extremes, the first reckless steps in the downward plunge into the darkness of anarchy, jungle law, and nothingness."

Judge Maxwell, a resident of Elkins and Chief Judge for the Northern District Federal Court, noted that dissent is as American as the Bill of Rights which provides legal pattern for its expression. "It is," he said, "a tradition in America to insure that points of view at odds with prevailing doctrine will not be rejected or suppressed."

Judge Maxwell spoke earlier at the high school here as one of approximately 20 leading West Virginians on a statewide telephone hookup, which commemorated the tenth annual Law Day USA. There he explained the federal court organization and commented:

"A very special note of urgency is assigned to the life of every student in the United States on this Law Day. The impressive heritage of the occasion is your summons to responsible citizenship."

Judge Maxwell, in his later speech to the lawyers, said it is recognized in America that organized societies are not expected to be above criticism. He went on:

"We know that power wielded justly today may be wielded corruptly tomorrow. We know that from the ranks of the critics come cranks and troublemakers, but from the same ranks come the saviors and innovators."

He opined that there is nothing fundamentally wrong with the American system of government or its purpose. "The pieces and parts which brought us to our present eminence in the world are still in place."

He said that although some American citizens have become disillusioned with their American institutions, and have begun to protest in a variety of ways, they will find, if they will look beyond themselves, that never has Congress or the courts "devoted

more of their attention to the constitutional guarantees of the individual than they do today."

Judge Maxwell concluded:

"As citizens of a free society, enjoying the highest order of individual liberty ever known to man, it is timely for us to believe that we have had enough of adjustment and conformity, of easy options and the least common denominator.

"We need to see 'life, liberty and the pursuit of happiness' in such terms as are historically proven by voting on election day, by serving on juries without protest, by keeping ourselves informed on the issues of the day, and by speaking out for the good and against the evils that surround us."

## AN OUTSTANDING WEST VIRGINIAN

Mr. BYRD of West Virginia. Mr. President, West Virginia lost an outstanding citizen last week in the death of Charles E. Hodges of Charleston, a fact which at least three daily papers in my State have taken note of in editorials.

Mr. Hodges was an editor, a former president of the State senate, a chamber of commerce managing director in the State's capital, and a long-time leader in many efforts which have contributed to the growth and development of West Virginia University in his hometown of Morgantown.

Charles Hodges was a dynamic influence for good in West Virginia, a man who brought boundless energy and great talents to many fields of endeavor, a fact to which the three newspapers and their editorials allude.

I ask unanimous consent that the editorials from the Dominion News of Morgantown, the Fairmont Times of Fairmont, and the Martinsburg Journal of Martinsburg, all of Friday, May 3, be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Morgantown (W. Va.) Dominion News, May 3, 1968]

CHARLES E. HODGES—WEST VIRGINIA

West Virginia lost one of its most brilliant and useful citizens in the death of Charles E. Hodges at the age of 75.

West Virginia University, Morgantown, Charleston and the state as a whole were served with high distinction by this native son of the Mountain State.

Only a few days before his death he wrote his friend, Richard (Dyke) Raese, accepting with the enthusiasm characteristic of him, an invitation to write as often as he pleased "anything he wishes" for the Sunday Dominion-Post. He said he would be in to see us on May 9 as he was planning to come from Charleston for the University commencement activities.

Mr. Hodges was the son of Dr. Thomas E. Hodges, a physics professor at the University and later its president. He was graduated from the University High School here and was a Phi Beta Kappa scholar at the University.

He rose to captain in the USEF in World War I and then returned to Morgantown, a community he loved and served in various capacities as a resident and after he moved to Charleston.

He was editor of The New Dominion and became its owner and publisher, always supporting constructive projects for this area in a forthright, but never carping manner.

As a State Senator from this district, he served this area and the state as a leader for progress. He was president of the Senate in 1934–38.

The University and its welfare in every aspect occupied Mr. Hodges talents and untiring efforts.

He has served as president of the Alumni Association; as a member of the Board of Governors; as president of the Board of Governors; was a member of the Trust Committee of the Alumni Association's Loyalty Permanent Endowment Fund since it was started in 1937; he was president of the WVU Foundation, Inc. at the time of his death Wednesday. He was a past president of the Emeritus Club.

Our state needs more dedicated and loyal citizens like Charles E. Hodges.

Our state, our University, our community and our capital city, which he served as managing director of the Chamber of Commerce, all benefitted from "Charley" Hodges's efforts, his drive and his faith in the future.

The old-timers at this, his former newspaper, and those who knew him as an affectionate critic, are saddened by his passing.

Charles E. Hodges set an inspiring example for young West Virginians willing to devote their talents and efforts for their home state.

[From the Fairmont (W. Va.) Times, May 3, 1968]

CHARLES EDWARD HODGES

Few men in the history of West Virginia pursued with such intensity so many varied interests as Charles Edward Hodges, whose death at the age of 75 occurred in Charleston, Wednesday. He was an editor, a liberal politician, a Chamber of Commerce executive and an all-around good citizen.

But whatever other activities occupied his attention, his first love was West Virginia University, which he served in almost every capacity. At the time of his death he was president of the West Virginia University Foundation and chairman of the trustees for the Alumni Association's Loyalty Permanent Endowment Fund.

He had served as president of the University Board of Governors as well as the alumni association and not long ago was honored with the Vandalia, highest non-academic award in the gift of the University.

He almost literally grew up on the campus, where his distinguished father, the late Dr. Thomas Edward Hodges, served as president. Although of small structure, he played football and continued active in the game as an official for a quarter-century.

In this part of the country, Charlie Hodges is best remembered as the editor and publisher of the old New Dominion in Morgantown. A crusading liberal, he took on the vested interests almost single-handedly and continued to show his independence as a member of the State Senate from the district which includes Marion County.

When he sold the newspaper and became managing director of the Charleston Chamber of Commerce, many felt he had done an ideological flipflop. In truth, Hodges was just as much of a crusader as ever, although in some instances the thrust of his efforts was directed along other lines.

If there was one characteristic of Charlie Hodges that stood out over all others, it was his boundless energy. In his youth he acquired a nickname based on his habit of doing everything at top speed and many of his other friends continued to use it in private conversation.

Throughout his life, he was an indefatigable letter-writer. He kept in close touch with what was going on everywhere in the state, and he was quick to spot an error of fact. This newspaper received many lengthy communications from him on a wide range of subjects, all of which were illuminating in content and fascinating in composition.

Although he failed in his only quest for high political office, the governorship in 1932 he left a mark on all of West Virginia and on its University in particular. State journalism lost one of its finest editors when he sold his newspaper, and it was the irony of fate that death took him when he was seriously considering still another career as a state capital commentator.

The good Lord didn't make many like Charlie Hodges and he's going to be sorely missed.

[From the Martinsburg (W. Va.) Journal, May 3, 1968]

CHARLES E. HODGES

West Virginia has lost one of its truly outstanding citizens in the death of Charles E. Hodges.

He was probably not well known to most in our Eastern Panhandle territory although he made many, many valuable contributions to the betterment of West Virginia.

A man of many talents, he was, at various times in his life, a newspaper editor and publisher, a leading Democratic political figure and executive director of the Charleston Chamber of Commerce. He was also a most loyal and active alumnus of West Virginia University, the institution his father once headed as president. The WVU Board of Governors recently named a building on the campus in honor of Dr. Thomas E. Hodges and his son, Charles E. Hodges.

Although he had many honors during his lifetime, including service as president of the West Virginia State Senate, he will undoubtedly be best remembered for his enthusiastic leadership and promotion of everything that was beneficial to his state. Just recently, we received a letter from him urging support of the proposed $300-million road bond issue which is to come to a vote of the people this Fall.

The type of leadership and loyalty provided by Charles E. Hodges is the kind which is sorely needed today in West Virginia. We deeply regret his passing from the scene, not only because he was a friend but because he was a great gentleman.

## PROMPT CRACKDOWN NEEDED TO RESTRAIN MALCONTENTS

Mr. BYRD of West Virginia. Mr. President, the Huntington, W. Va., Advertiser published a fine editorial last week about the twin dangers of exhibitionists who are trying to destroy our institutions of higher learning and, ultimately, our society.

The editorial stated that some students seem to be wasting not only their own time, but the time of others, at colleges where, "in the name of freedom they have been allowed to discredit their institutions, to encourage trouble that disrupts the work of serious students and even to give aid and comfort to the enemy in the Vietnam war."

The editorial urged that the Government react firmly to the danger of black power militants because "allowing them to continue to run at large while preaching anarchy and Communist propaganda encourages others to follow them and increases the danger of more violence."

I ask unanimous consent that the Advertiser editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROMPT CRACKDOWN NEEDED TO RESTRAIN MALCONTENTS

In these days of scientific advancement and technological revolution, educators and employment agencies are emphasizing the

need of specialized training for obtaining and holding jobs.

Thousands of additional students have responded to the need by entering colleges and universities, and the government has allocated large sums for aid to open the doors of higher education to more and more young people of limited means.

Increased enrollments naturally bring in more dissidents and malcontents who complicate the problems of discipline and disrupt the orderly processes of education.

But the number of disturbances and demonstrations at the institutions of higher learning raises the question of whether a great many of the students are not wasting their time and interfering with the education of others.

The attitude of a great many of those responsible for the trouble indicates that no amount of training would make them acceptable employes in any line of work.

It indicates rather that if given an assignment to a job, they would refuse to do the work, would organize a strike or a sit-in and try to take over the management of the business.

This is not conducive to employment or to the success of any corporation that opens its payroll to such people.

The first requirement of any free nation is that its people exercise self-discipline. This too is the first objective of an education.

Certainly any employe who does not control himself is not qualified to assume a position that will open the way for his giving orders to others.

How much students have been influenced in their obstreperousness by the spirit of the times that have affected many nations it is impossible to say.

But it is probable that they have been incited by extremists and militants of various hues and purposes from pinks to Reds and the Carmichaels of the black power school.

A considerable number of the troublemakers are members of the faculties paid to teach but dedicated to their irresistible urge to stir revolt, encourage anarchy and create chaos.

In one important university after another such exhibitionist malcontents have popped up to attract attention and preen themselves in the glare of notoriety.

In the name of freedom they have been allowed to discredit their institutions, to encourage trouble that disrupts the work of serious students and even to give aid and comfort to the enemy in the Vietnam war.

For the preservation of free institutions that these people demoralize they should be sent packing to jobs as attendants at mental hospitals, where they would feel more at home, or to training in the proper functions of a teacher.

And meanwhile government officials should strike hard at the increasing coterie of anarchists striving frantically to displace the responsible civil rights leaders.

The exhibitionists parading under the umbrella of black power are embarrassing not only the government and the officials who have done more for colored people but the respectable people of their own race.

Allowing them to continue to run at large while preaching anarchy and Communist propaganda encourages others to follow them and increases the danger of more violence.

The government should strongly reassert its authority before these anarchists stir trouble that will require serious bloodshed to stop.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, Calendar No. 1080.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rule VIII, I be permitted to speak not to exceed 20 minutes on a subject not germane to the pending business.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

## STOP THE VIOLENCE

Mr. BYRD of West Virginia. Mr. President, I call attention to the leading editorial, "Stop the Violence," which appeared in the Washington Post of yesterday, Sunday, May 5, 1968.

That editorial refers to a situation which confronts our Nation's Capital, and it is a situation which is both frightening and disgraceful. I am taking the liberty to quote certain extracts from the editorial, an editorial which constitutes a true but sad commentary upon the present state of law and order in the seat of the Government of the United States.

More than 50 incendiary fires have been reported in the last six weeks; windows, many of them just installed replacements, are being broken every night. Merchants tell of incidents in which their stores have been vandalized by gangs. Others say they have been threatened. Those merchants who say they are not bothered usually go on to explain that this is because everyone knows they are heavily armed and are ready to shoot intruders. * * * *

The merchants and the citizens who inhabit the devastated areas [referring to the areas hit by the recent riots] are afraid and, in many instances, believe they are not receiving the protection the city owes to them. * * * *

The policy of restraint adopted by the police when they were outnumbered at the outset of last month's rioting was sound. But it was also certain to produce bad side effects. One is reflected in the fears of the merchants that if their property went unprotected during the early stages of the riot it will still be unprotected. Another, and more serious, effect seems to be an attitude among some young toughs that if they got away with looting and burning under riot conditions they ought to be able to get away with it now. Respect for law and for property, if once diminished, is sometimes hard to reestablish. But it must be re-established. Disregard for the law must now be squelched, vigorously and promptly.

I spoke last year, Mr. President, concerning the riots which plagued numerous cities throughout the country, and I urged that a firmer attitude upon the part of the Federal Government be shown toward rioters and criminals. I have, again and again, stated in speeches on the Senate floor that the first duty of government is to uphold and enforce the law, that government has a right to survive, and that whatever force is necessary should be used to preserve order throughout the land.

During the civil disorder which struck our Nation's Capital last month, I was constantly in touch with officials of the government of the District of Columbia. I also talked with aides at the White House a number of times and with officials of the Justice Department. In my conversations with these various officials, I urged that Federal troops be brought in as quickly as possible and that they not be stationed in the city merely to put on a "show" of force, but that they be given orders to shoot felons, if necessary, in order to restore and maintain order and enforce the law.

White House aides will be able to produce records of my calls, during which I insisted that the President be informed of my contacts and that a record be made of my having urged the use of firm force and whatever force was necessary to put down violence and restore order.

I, of course, did not advocate that children be shot, nor would I; nor would I ever urge even that adult felons be shot, except, first, in order to prevent their escape after all other means had been exhausted; second, to protect the lives and property of other people and to restore and maintain order, and, third, only after the public had been warned that such extreme measures would be taken if necessary.

Mr. President, I also urged publicly that a military presence be retained in this city, possibly throughout the summer, especially in view of the forthcoming "poor people's campaign." I did not suggest that the full complement of 15,000 troops be kept stationed on the streets of the city, but I did urge that a number of armed troops be retained in the riot-torn areas and some other parts of the city. The troops were, however, removed.

I have repeatedly called attention to the shocking and disgraceful crimes that are annually increasing in this city, and I have urged that vacancies on the Federal courts—and especially on the U.S. Supreme Court—be filled with individuals who will interpret the Federal Constitution, as amended, in accordance with the letter and spirit of that document rather than with individuals who render legal decisions on the basis of little more than sociological concepts. For it cannot be gainsaid that the U.S. Supreme Court, as presently constituted, has not only attempted to preempt the functions of the legislative branch, but it has also preempted the rights of the people in its successful attempts to amend the Con-

stitution of the United States—a prerogative which rests only with the people by virtue of the fifth article of the Constitution. The U.S. Supreme Court and the Circuit Court of Appeals for the District of Columbia are topheavy with "activist" judges, whose decisions have, in some instances, straitjacketed the police and tipped the balance in favor of the criminal and against the law-abiding citizen.

In connection with the so-called poor people's campaign, I have repeatedly urged that the Attorney General of the United States, as the Nation's chief law-enforcement officer, at least put forth the effort to seek an injunction to prevent the march and the campaign of demonstrations, as reportedly planned. Apparently no effort has been made or will be made to seek such an injunction, as I have seen no evidence thereof. I have also urged that every effort be made by Government officials, in their conversations with leaders of the march, to attempt to dissuade those march leaders from going through with their announced plans. In this regard, I do not contend that the constitutional rights of citizens to petition their Government should be negated, violated, or denied. I have no objection to a mere march by 3,000 people in the Nation's Capital, if that march is orderly and not overly prolonged, and if the Government is petitioned in a reasonable and orderly manner. Thousands of people come to the Nation's Capital annually to participate in parades, to lobby the Members of Congress, and to petition the Government. I am strongly opposed, however, to a campaign of sustained demonstrations conducted by thousands of people converging upon the Nation's Capital from all points of the compass, staging a "camp-in" with its hazards to the health not only of the demonstrators, but, more importantly, to that of the metropolitan area residents, and creating a "clear and present danger" to the peace and welfare and good order of the community. It is this "clear and present danger" that I have hoped might be avoided through the injunctive process.

It is now apparent that the march will take place. It is also apparent—at least I have seen no evidence to the contrary—that the Federal Government will make no effort to enjoin or prevent the setting up of a "shantytown" within the boundaries of the National Capital. If we are to accept, at face value, some of the statements which have been reportedly made by leaders of the march, the Nation's Capital, to say the least, is confronted with troublesome prospects during the weeks ahead.

I have referred to the forthcoming campaign of sustained demonstrations—and the concomitant prospect of massive acts of civil disobedience—because there is every justification for apprehension that they will serve to compound the fearsome problem of crime and violence in this city. So, I believe that any consideration of the current deterioration of respect for law and order in the Nation's Capital must, of necessity, include the so-called poor people's campaign as a factor which will compound the problem of law enforcement during the summer.

The horrifying situation which confronts the merchants and citizens of this city is forcefully stated by the editorial, to which I have already referred, which was published in the Sunday Washington Post. I can say to Senators that there is not one iota of understatement in the editorial. I know that many of the law-abiding merchants and citizens of the Nation's Capital live in constant fear—and I mean fear—not only that their properties may be destroyed and the savings of years of hard work be wiped out, but also, and even more importantly, that their lives and the lives of their loved ones may be taken. In speaking of this fear, merchants—and I mean men—have cried, literally cried, as they have told me, in recent days, of their plight.

I know that the police who patrol the streets of this city are unable, under the present circumstances, to enforce the law as it should be enforced, because they do not feel that they have the backing of top Government officials and of the courts. I know that the morale of the police and law-abiding citizens in this community is at an alltime low. I know that the restraint which was shown not only by the Metropolitan Police but also by Federal troops during the recent costly riots has emboldened the criminal element and has shaken, to its foundations, the confidence of law-abiding citizens in their Government. Law-abiding citizens are no longer assured that their Government will act to protect their lives and their properties in this city. Schoolchildren and other tourists are being kept away from the city in increasing numbers during this summer, because of fear. I know this. I can document it. Law-abiding and respectable Negro citizens in this city live in fear, as do white citizens—I know this. Busdrivers are subjected to constant harassment, and they are assaulted and robbed nightly, and they live in constant fear for their lives. Women cower in fear behind locked doors; men and women, old and young, are afraid to venture out on the streets at night, and, in some areas in the city, even in broad daylight; and women are criminally attacked, raped, if you please—and old age is no protection—on elevators and in Government buildings—in fact, there are few places in this city, the Capital City of the United States, where women are absolutely safe. Women are raped in the Nation's Capital with seeming impunity. The rapist virtually has a license to repeat his crime at will.

The city is a paradise for animalistic hoodlums. Mr. President, if one does not believe it, just drive a few blocks from the Capitol in almost any direction and see the young hoodlums gathered on the street corners and in front of business shock to the top officials in Government, establishments. All of this may come as a Mr. President, but I know it to be true.

I intend to document what I have said about the fear which is gripping the merchants of this city. I am going to document it at length and I am going to take considerable time within a few days in doing just that.

I, therefore, respectfully urge that adequate steps be taken now by Mayor Walter Washington to restore order and a respect for law in the Nation's Capital City. I urge that the Justice Department take action against Stokely Carmichael and other revolutionists who incite to riot. I urge, most respectfully, that the President of the United States take a firm stand against those who intimidate peace-loving citizens and who commit crimes against persons and property. There is no reason to temporize with criminals, and there is no excuse whatsoever to be offered for those who engage in the commission of crime as a profession. It is time that we stop making excuses for the criminals who are riding roughshod over other people who, by virtue of hard work, sweat, and effort, have managed to acquire a little property and make ends meet. The excuses of unemployment and poverty have become hackneyed and they have never been truly relevant—no individual can claim poverty as a reason for the commission of rape or murder. And the foulmouthed hoodlums who gather on the street corners of Washington, who toss molotov cocktails inside business establishments, and who cry "Burn, baby, burn" and "Get Whitey," are not the victims of unemployment—many of them do not intend to work, they do not want to work, and they will not work.

Finally, I urge that Mayor Washington, and the President of the United States, take action to assure that Federal troops be returned to the streets of the Nation's Capital now. I do not suggest a need, at the moment, for great numbers of troops. But I do suggest that a number of troops—with guns loaded—be placed now in the high-crime and riot-torn areas of this city, and that the thousands—I do not say hundreds, I say thousands—of defiant and profane young militant hoodlums, who roam the streets, be put on notice that, in the words of the Post editorial, disrespect for the law will be "squelched vigorously and promptly." I also urge that the leaders of the poor people's campaign be warned by top officials in the executive branch that the Federal Government intends to use whatever force is necessary to maintain order and prevent violence in the Capital City and that lawbreakers, whether they are participants in the march or whether they are leaders of the march or persons unassociated in any way with the march, will be dealt with promptly, firmly, and forcefully.

Mr. President, I cannot hide the concern which I have for my country at this time. I cannot avoid the definite impression that a revolution is taking place in this land and, although there have been beneficent and benevolent revolutions in the history of mankind, I fear that there are sinister aspects to the current turbulence which portend events that could shake the foundations of this Republic and destroy liberty under law.

The wave of student takeovers of colleges and universities, the endless marches and demonstrations and acts of mass civil disobedience, the threatening demands by those who advocate expanded welfarism, the increasing trend toward intimidation of legislators

and Government officials, the rapid growth of permissiveness which is destroying spiritual and moral concepts and values, and the horrifying trend toward lawlessness and violence—all these are ominous signs that our country faces destruction from within. There must be a rebirth of respect for law, for constitutional processes, for public order, and for personal responsibility if this Nation is to survive.

Mr. BIBLE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I am happy to yield to the Senator from Nevada.

Mr. BIBLE. I have not heard all the distinguished Senator's remarks, but I did hear most of them, and I want to commend him for the fervor, the courage, and the exactness with which he is working on this very, very important message—important not only to those who live in Washington, D.C., and surrounding areas but also to the entire country.

Over the past several years I have been saying that, in my judgment, crime and lawlessness are the No. 1 problem this country faces domestically. Unfortunately, the hoodlum and the criminal is no respector of cities or States. He goes from one end of the country to the other. No single area is safe from crime. When the women and children of our country are no longer safe to walk the streets then, indeed, we had better make a close and careful inspection of what the distinguished Senator from West Virginia terms a potential revolution in America which could possibly be the worst we have ever had.

I have three sons, all of college age, and all whom have done very well in school. One has finished school on the east coast, and another will finish on the west coast very soon. They are all studying in fine institutions of higher learning. But we begin to wonder if even our colleges and universities are safe from lawlessness. There is foment on the campuses on both coasts and across the Nation. Right now, in my own State, at Nevada Southern University there is somewhat the same kind of unrest and foment.

Thus, there are truly many difficult problems facing America. None will be solved until we achieve complete restoration of law and order. We cannot permit lawlessness to prevail, as the distinguished Senator from West Virginia has outlined so ably. This battle against lawlessness has been a crusade in which I have been actively involved for many years. I am certainly going to continue that crusade, because it has to be our Nation's first priority. It has to be No. 1 on the list of things that must be done to help the overwhelming majority of the American people who demand and deserve safety and security under law.

The distinguished Senator from West Virginia has sounded a stern warning. I particularly agree with his statement regarding Stokely Carmichael. It is amazing to me that this man can say and do the things he has and apparently remain immune from the processes of the law. I think it is a dangerous situation. I have publicly called on the Attorney General to prosecute the Carmichaels and Rap Browns and their ilk under our laws—including recently enacted antiriot provisions in my District of Columbia crime bill—that forbid incitement to riot.

I hope that the distinguished Senator from West Virginia will continue to sound the alarm, as he has, and that all Senators will work carefully together on the very fine bill now pending before the Senate, shepherded by the very distinguished Senator from Arkansas [Mr. McCLELLAN].

I cannot say that I agree with every single paragraph, or every single crossed "t" and dotted "i" in the bill, but it is a big bill, and a strong bill. It is a much-needed bill. I hope that it will move forward rather quickly toward adoption. I trust it will not be subject to any undue delay but that every Senator will get an opportunity to express his opinions on it.

Again, I salute the Senator from West Virginia for sounding the alert on this problem.

Mr. BYRD of West Virginia. I thank the able Senator from Nevada for his kind and appropriate remarks. I congratulate him on his leadership in this field. I deeply appreciate his statement today.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from West Virginia. I wholeheartedly subscribe to everything he has said with respect to law enforcement and the need for action.

There is, unfortunately, a tragically passive attitude—a passive, if not indifferent—and I hope it is not an indifferent attitude—on the part of some law-enforcement officials of our land. They seem to be in a dream. They assume that what is taking place is a bad dream and that it will all just go away.

It is not a dream. It is a reality. Threats are repeated daily—every day—by the radical elements of the country of what they are going to do to this Government, the demands they are going to make, and what the results will be if their demands are not promptly adhered to.

I had prepared, and intended to make, some remarks today along the same lines as the Senator from West Virginia has discussed. I shall postpone those remarks until tomorrow, because I anticipate receiving some additional information, but—as long as the announcement has been made—tomorrow, as soon as the morning hour is completed, and the earliest time thereafter as I can appropriately get recognition, I intend to discuss, along the same lines the Senator from West Virginia has discussed the impending poor people's march to Washington.

At that time I shall release a copy of the transcript of the conference held on April 25 by members of the Permanent Investigations Subcommittee with the Attorney General, the Secretary of the Interior, Mayor Washington, the Under Secretary of the Defense Department, and also a representative of the welfare program in the District of Columbia. We interrogated them to ascertain what is being done and what plans are being made for this upcoming march on Washington. I shall discuss that matter tomorrow and release the report. I ask unanimous consent to have printed in the RECORD a press release I issued today dealing with the subject.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, COMMITTEE ON GOVERNMENT OPERATIONS

Senator John L. McClellan (D., Ark.), Chairman of the Senate Permanent Subcommittee on Investigations, announced today that the Subcommittee will make public on Tuesday, May 7, the heretofore confidential transcript of a conference held on Thursday, April 25, 1968, between members of the Subcommittee and high-ranking officials of the Federal and District of Columbia Governments.

The principal subjects of discussion during the conference, which was attended by the Attorney General, the Secretary of the Interior, and the Mayor of Washington, among others, were the plans and preparations of the government agencies to preserve peace and maintain law and order in the District of Columbia during the so-called "Poor People's March" which is now en route to the city.

Senator McClellan also said that he will make a statement on the floor of the Senate shortly after the conclusion of routine morning business on Tuesday, May 7. His remarks will relate to the probability that the marchers will assemble in the city of Washington under conditions which are calculated to lead to civil disorders and violence.

Copies of the transcript of the conference and Senator McClellan's floor remarks will be released to the press when the remarks are delivered on the floor of the Senate.

Mr. McCLELLAN. Mr. President, I also intend to tell the Senate tomorrow some of the information that the subcommittee has with respect to concrete plans being made to turn the march to Washington into a riot. I have information of discussions that are being held by groups, the leaders of whom intend to join the march, as to what they plan to do, how those elements and members of those organizations intend to take over, and how they intend to engage in rioting and violence. I shall give that information tomorrow. I think I shall have additional information that I can disclose tomorrow.

At the very outset of the march that is coming to Washington, apparently the very first act when they get here will be to violate the law. They have not asked for a permit either to march or to occupy Government property and build a shantytown on it. Apparently, from the news today, they do not intend to ask for such a permit. So the very first act they intend to carry out will be a violation of the law. That is one act that our officials already know about, but I do not expect anything to be done about it.

Despite all the statements of Carmichael, despite all the attitudes he has exhibited and the actions he has taken, nothing has been done. Nothing is being planned to be done, so far as I know.

Why can we not have law enforcement in America? What is wrong? Why the timidity? Why are our officials not

aggressively doing something, instead of sitting back and hoping that this ugly thing will not happen?

Mr. President, I commend the Senator from West Virginia. I say to him and to other Senators that this is the hour of decision in the Senate. We are approaching it. Either we are going to have the courage to vote for law enforcement, to vote to bring the scales of justice into balance, to vote for equal protection of society against the criminal, or we are going to vote to ratify and confirm the present-day trend of protecting an individual at whatever cost there may be to society—of protecting an individual who has openly and voluntarily confessed to a heinous crime. Yet we propose to liberate him unless some technical warning has been given that is wholly unnecessary in 90 percent of the cases. These people know they have violated the law. They also know that what they say can be used against them. Yet by the attitude and decisions of the Supreme Court, we have put ourselves in a position where they must be shielded and protected. They cannot even be asked a question without getting them a lawyer who must be present at their side.

Somebody has said, "You are turning the clock back." Let me say to Senators that I want the clock turned back. I want it turned back to law enforcement. I want the clock turned back to where society has equal justice under the law of the land. I want the clock turned back to the day when women could walk the streets in safety. I want the clock turned back to the time when women were not raped—and they are, as the Senator has said, being raped today almost at will, with impunity.

I received a letter from a 71-year-old woman. The Senator from West Virginia has said that age makes no difference.

Mr. BYRD of West Virginia. No difference.

Mr. McCLELLAN. This woman, who lives in Washington, D.C., told me what a horrible experience she had. She identified the person. They went to court. He was immediately acquitted.

That is law enforcement in Washington today. I am telling Senators that unless such incidents are checked, unless these trends are reversed, law and order in America will perish.

Senators speak of revolution. What will be the result of it? It will not be a benevolent revolution that will take place in this country. Who will take charge? I will tell the Senate tomorrow who will take charge. Those whom I shall name are going to take charge of the march on Washington before it is over.

Mr. President, the hour is here. I hope the Senate will not procrastinate. I hope it will measure up. I hope that Senators will have the courage to say we are going to turn the clock back to the day when we had safe streets, to the day when we had law enforcement, to the day when our wives, sisters, and mothers could feel safe from the rapist. I want to turn the clock back to that day. I want to turn the clock back to the time when there was equal justice in this land as between the law-abiding citizen and the hardened and confessed professional criminal. The time will not wait, Mr. President.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator from Arkansas. I shall look forward with great interest to his statement tomorrow.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Florida.

Mr. HOLLAND. I commend the Senator from West Virginia for his statement. It is timely, able, and truthful.

The Senator from Florida has spoken several times about the need for firm action here on the part of Washington officials, meaning both those in the District and those in the National Government.

The Senator from Florida has been three times in direct touch with the White House and has written at some length to the President, but as yet has had no reply to that letter.

I have a copy of the letter available, and I may put it in the RECORD at a later date.

The sum and substance of it is that I made it very clear to the President that I think it is his duty to see that law and order do prevail here in the District of Columbia, and that the Nation be saved from the spectacle that we can foresee if the plans of these marchers be carried out.

This morning the Washington Post published an article entitled "Spokesman Says March Will Use U.S. Property." I ask unanimous consent that that article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPOKESMAN SAYS MARCH WILL USE U.S. PROPERTY

(By Bernadette Carey)

An official of the Poor People's Campaign said yesterday that the coming massive demonstration, including the building of a shanty town, will definitely use Federal property.

He said Campaign organizers met with Federal officials last week and informed them that the group would not seek a permit but would go ahead with the use of Federal property, leaving the next move to Government officials.

Yesterday, a small group of Campaign staff workers toured several possible camp-sites in the area around the Mall.

The tour began in the West Mall, directly in front of the Smithsonian Institution's main building.

From there it went to the area west of the Washington Monument, directly across from the White House Ellipse, and finally to West Potomac Park.

The staff workers said they were particularly interested in West Potomac Park because wiring and sewer lines from the buildings put there during World War II and now removed might still be present.

Bernard Lafayette, national coordinator for the Campaign, said the group is no longer considering any campsite for its shanty town and tent cities that is not within easy walking distance of the Federal-agency complex and the Capitol.

Lafayette also noted that the campaign's petition "for redress of grievances was, is, and will be nonviolent. Our energies will be dedicated . . . toward fulfillment of historic promises. We intend to remain until they are redeemed."

Meanwhile, in Hopewell, Va., the chairman of the Virginia State Unit of the Southern Christian Leadership Conference disclosed his plans for participation in the Poor People's Campaign.

The Rev. Curtis W. Harris said trains and busloads of marchers will arrive in Danville Saturday to spend the night and will move into Washington the following day.

Mr. HOLLAND. That article carries the byline of Bernadette Carey, who is stated to be a Washington Post staff writer. Though she must have the name of the person who gave her this information, what she says is:

An official of the Poor People's Campaign said yesterday that the coming massive demonstration, including the building of a shanty town, will definitely use Federal property.

He said Campaign organizers met with Federal officials last week and informed them that the group would not seek a permit but would go ahead with the use of Federal property, leaving the next move to Government officials.

Then the article goes on to state at length how a staff group of the march inspected possible sites available in the area of Washington, particularly locations close to the White House, the Washington Monument, the Lincoln Memorial, and the Jefferson Memorial, looking for the site which they preferred upon which to locate their shantytown or their tent city, or whatever it might be without permit being granted.

Mr. McCLELLAN. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that my time under the waiver of rule VIII be extended 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I yield to the Senator from Arkansas for the purpose of his responding to the Senator from Florida.

Mr. McCLELLAN. That is what I referred to a moment ago when I said that according to the leadership's plans, the first act when they get to the Nation's Capital will be to violate the law—to go on Federal property and camp on it without even asking for a permit.

The Federal officers know it, and they are not taking any action. I can state to the Senator they are taking no action, up to this hour, to prevent it.

Mr. HOLLAND. Mr. President, if that be true, I am distressed, indeed, because I think it involves the good faith and willingness of the President to lead, the willingness of District officials to lead and be counted, and, I think, what is a great deal more, the confidence of the people of this Nation in the environment that prevail here in the Nation's Capital.

Mr. President, when this last trouble came on, there was present here in the District of Columbia, from my own hometown, a small and peaceful town in Florida named Bartow, a band of 110 students from our high school, who had come here to participate in the Cherry Blossom Festival. They had to hole up in a local hotel, and remain there until

the main part of the fires and troubles was over, and then to catch buses and be carried out of here as if they were fleeing from a city that was about to be destroyed by invading Boche, if I may use a word I got used to during World War I.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. Mr. President, I merely wish to say that I can recount the same experience with regard to West Virginia school bands that were in the Capital at that time.

Mr. McCLELLAN. I have a grandson who came here with the Columbia Military School band, and was subjected to the same conditions that the Senator has referred to with respect to the band from his town. He came here to march in the parade, but he was not able to get out of the hotel at that time.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. McCLELLAN. It seems the experience was a general one.

Mr. BYRD of West Virginia. Mr. President, I am glad to yield to the Senator from South Carolina for the purpose of his responding to the Senator from Florida.

Mr. THURMOND. Mr. President, I merely wish to state that a high school band from Dillon, S.C., was up here, and they were trying to rush around; they had been given orders that if they were going to leave Washington during the next several days, they had better get out right away. The children were just completely dumbfounded to see, in the Capital of their Nation, the lack of control here, and the lack of assurance that there would be preservation of law and order.

I do not know of anything that has affected high school children as that situation did. It seems to me that we just cannot permit a situation to exist here where it will be impressed upon the people of the Nation and the people of the world that either we do not believe in law and order or we have an administration in power that does not have the courage to maintain law and order. I do hope the administration will take the steps necessary to assure that we will have law and order, if these people are determined to come here anyway.

I thank the Senator.

Mr. HOLLAND. I thank the Senator from South Carolina for his able comment.

Mr. President, to continue, there was a group of youngsters also from my hometown, comprising most of the student seniors of the senior high school, who were on their way through here, planning just to stop here over a day and then go on to New York. Though the riot was in progress, they came here anyway. They were not able to do the sightseeing they had hoped to do—that is, in the District. They were able to visit Mount Vernon; and they were able to visit Arlington. They did have some security in the Commonwealth of Virginia, and I glory in that fact. But when they came to Washington that day they were to spend here, they spent a large part of it in my office, in the Old Senate Office Building.

I wish I could picture to the Senate the appearance of those youngsters looking out of my window, looking westward across the city, and seeing some of the smoke still rising from fires that had been set on Seventh Street and 14th Street, which were still throwing up smoke. They could not believe it. They just did not believe that a situation such as that could prevail in their Capital.

Mr. President, the wires were busy at my apartment that night, at my office that day, in my office the next day after the youngsters had gone away from here to go to New York—where, I am happy to say, they were better protected and were able to go through with their tour—asking, "Why is it that this kind of situation can obtain in the Capital of our great Nation?"

Mr. President, it is a terrible thing for the thousands of youngsters throughout this Nation who came here to see the cherry blossom parade, and to participate in the festival, to go away from their Nation's Capital with such a scar in their memories as they must have, after having seen this terrible breakdown of any semblance of law and order.

Mr. McCLELLAN. For many of them, it was their first visit.

Mr. HOLLAND. Mr. President, the Senator from Arkansas has just stated a fact, that for many of them it was their first visit.

Mr. McCLELLAN. And their first impression.

Mr. HOLLAND. For many of the youngsters from my hometown, it was their first visit.

Mr. President, if there is anything wise, if there is anything constructive, if there is anything tolerable about such a situation, I cannot see it, because it would have been so easy to have had a better semblance of law and order. I have been shocked to see, in the press, the statements of the Director of Public Safety—I think his name is Patrick Murphy; one would give credit for much more courage to a man with that name—in connection with what he said about the abject absence of law enforcement that he and others, including the White House, I am afraid, also had forced upon the police officers, the National Guardsmen, and the soldiers of the Regular Army and Marines who were brought here, they thought, to preserve law and order.

And we know the story, of course. The pity of it is that that story went out over the airwaves by TV, and people saw soldiers standing there watching abjectly as a place of business was broken into, as looters went in there and came out with suits of clothing or with arms piled high with bottles of liquor. And no effort was made either to arrest them or stop them from doing that sort of thing.

Mr. President, the thing I am trying to say is that I support completely the position taken by the Senator from West Virginia, the Senator from Arkansas, the Senator from South Carolina, and the Senator from Nevada, and many other Senators. I did not happen to be present in the Chamber when the Senator from Nevada was speaking.

I have been Governor of my State. We had nothing of that kind, even when there were threats of violence and racial breakdown during World War II when we had large units of Negro troops and large units of white troops training in our State, and there were some threatening situations.

We never allowed it to come to a troublesome situation. And neither would it be allowed to come to a troublesome situation here if there was any willingness to stand up and be counted on the part of officers who have been chosen by our people to govern the District of Columbia.

Mr. President, to me it is a disgraceful situation. It is a situation which I do not like to see.

The Senator from West Virginia has had printed in the RECORD a lead editorial from the Washington Post of yesterday. The most promising sign I have seen up to now is the fact that at last the Washington Post, which was a party to all of this disorder that took place here by reason of everything it said, the abysmal weakness it showed, and the attitude it has displayed throughout, yesterday showed some understanding of what we are up against.

Today again the Washington Post has printed another editorial. I refer to the lead editorial of today's Washington Post entitled "A Need for Accommodation."

Mr. President, I ask unanimous consent to have that editorial printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NEED FOR ACCOMMODATION

It is the obvious object of the Poor People's Campaign to register in the National Capital the anguish of the poor and the oppressed in a way that will impress the Government with the need for appropriate measures to remove discrimination and diminish want.

The first phase of the campaign was carried out in an orderly and peaceful way. It may be argued that the officials and legislators who heard the petition of the poor were already aware of the problems. But awareness is not always the same as action and the Government has been the object of lobbies seeking less worthy action and using less acceptable methods.

The next steps of the campaign are less conventional. It is not at all accurate to compare the camp-in of several thousand people now with the march which Dr. King led to Washington. There is a vastly different climate in the country. And a different group of marchers and campers is involved. Moreover, the tension that exists in the Nation and in Washington heightens the risk of assembling large groups of people in conditions where the maintenance of order is difficult and provision for sanitation almost impossible.

The fast and most immediate problem for the march leaders and the authorities is some kind of agreement on quarters and campsites and utilities. The leaders wish to make a visual impact on the Government and the community; to make their presence felt; their cry of anguish heard. The authorities have a duty to facilitate their orderly petitioning; but they have a duty also to protect the health and safety of the visitors, and the health and safety of the community.

There is an element of conflict between the ordinary object of the authorities to maintain an environment in which residents of this community can live and work and in

which the Government can safely operate and the object of the march and camp-in, which is to impress the city and the country with their presence—to the point of inconveniencing others.

There must be some accommodation between these positions. Vast throngs cannot be placed in parks and playgrounds where they will be a menace to themselves and to the city's many residents—many of whom are quite as poor and quite as deserving of the solicitude of Government as the visitors. At the same time, the march must be allowed, even at some inconvenience, to make its impression.

This is the task to which authorities must address themselves at once, if both visitors and their hosts are not to be involved in joint calamity. If disorder or disease comes with the marchers, it may be assumed that the consequences will be visited upon us all with a fine impartiality. The leaders of the march and their followers, and the cause delay and renewed resistance. The community, in addition to bearing immediate physical discomforts, will suffer the social disasters of heightened racial tension and hostility. By the same token, the community and the Nation will suffer in other ways, fully as serious, if the marchers are not permitted to assemble and petition their Government.

Mr. HOLLAND. When the Washington Post begins to get scared, it is time for us all to be a little grateful, because it may be that the message is getting through to people who have been entirely too ultraliberal and too lax and too socialistic in their ideas relating to this whole matter.

I am not going to read much of the editorial, because it has already been printed in the RECORD.

The editorial mentions what happened in the earlier stages when the first group of people was here. It then goes on to say:

The next steps of the campaign are less conventional. It is not at all accurate to compare the camp-in of several thousand people now with the march which Dr. King led to Washington. There is a vastly different climate in the country.

Why that different climate? It is because of the laxness of law enforcement and the weakness of people who have been charged with authority and their unwillingness to stand up and be counted and the lack of obedience and observance of the law and of decency and the treatment of one great group of people toward another.

Mr. President, I continue to read from the editorial:

And a different group of marchers and campers is involved. Moreover, the tension that exists in the Nation and in Washington heightens the risk of assembling large groups of people in conditions where the maintenance of order is difficult and provision for sanitation almost impossible.

Mr. President, I have not prepared an address. I do not intend to go into the matter in great detail at this time. However, I cannot understand why the Secretary of the Interior, who has jurisdiction of these park plots, has not said publicly days ago, "We will not permit you to camp in on these plots." He knows it is the right thing to do. I cannot understand why the President has not said that.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I think the reason that the Secretary of the Interior has not said that is because he has not been permitted to say it. Tomorrow, when I file the report, I think it will be pretty obvious that if he were permitted to exercise his judgment, the people would not camp promiscuously on Federal property. I do not know whether they would camp on Federal property, but I am confident they would not camp on the Mall or in the other areas where they have said they will camp.

I say that in justice to the Secretary of the Interior who has made a statement to us in confidence which I will release in full tomorrow at noon. It was to be a policy decision and not his decision. And that policy, as I take it, the questions and answers will show, comes from above and beyond him.

Mr. HOLLAND. Mr. President, I hope that the Senator from Arkansas is correct. I would like to think that he is right with reference to the Secretary of the Interior. I would like to think that he is right also with reference to the Attorney General. But I have not seen any indication of firmness there, on the part of either.

Mr. President, I have already mentioned the Director of Public Safety, Mr. Patrick Murphy, in the District of Columbia. I have not seen any semblance of firmness or courage there. I have not seen any willingness on the part of any responsible official to stand up and be counted in this matter.

Mr. President, I want to make it plain that I have talked with some dozens of very fine colored people here in the Dis- of Columbia. These people, as well as many thousands of other such people, are probably worse frightened than anybody else, because their homes and investments are in the areas where there has been trouble heretofore.

These people are terribly troubled. They are terribly intimidated. They are terribly fearful of what is ahead. They are good people. They are making their own living. They are working. They know what it is to work. They are not like these hoodlums who do not want to work and who have made the trouble and are apparently prepared to make it again.

These are working people, both men and women. They are people who work at the Capitol, people who work at the hotel where I live. They are taxicab drivers and other people whom I have just happened to meet.

These people are very fearful. If a person felt that he was in danger in his own apartment or home, he should realize that these other people have greater reason to be troubled. They were at home with their shutters down and the doors locked. Their homes are in the very area or close to the area where the trouble occurred. They are in a much more vulnerable position than any of us.

Let us not for a moment think that the hoodlum element is a majority element, because it is not. However, it is a terrible element. It is an element that has to be stopped, and I hope that it will be as a result of the remarks that have been made on the Senate floor.

Mr. President, I have had a conference with a group of city merchants who are fearful for the investment of their lifetime savings. Most of these people were not touched by the first outbreak of violence. One of them had been hit, but only slightly. They do not know what to expect or what is ahead. They cannot get insurance. They are in terrible and dire distress, and the thing they cannot understand and the thing that I do not understand is why the authorities do not furnish some degree of protection and security which, of course, they can furnish if they only have the willpower to do so.

That is the question. Have they got the willpower? Have they got the determination? They were willing to do it when the Pentagon was threatened, and they did it splendidly, and I praised them from this floor.

Mr. President, the matter of defending our Capital City and the people who live here and the businesses which are here and the millions of dollars which are invested here is an important and a proper and a necessary function of law and law enforcement, and I hope to see it done. If it is not done, I am not going to say anything at this time about the political repercussions, which will be terrific, but I am going to say something about the business repercussions.

Washington can just forget about its millions of tourist visitors, if such a situation as this is allowed to go ahead to what looks like its logical conclusion right now. That is, of course, what worries the merchants, what worries the people who are honestly working here and who have their homes and their families here. That need not worry us so badly, except for the shame we feel for our country. Imagine, with the thousands of foreign guests we have in Washington, in the embassies, in the missions, and so forth, to have them know and see that our country stands for such a situation. Mr. President, it is a shameful thing, a horrible shameful thing, and it is hopelessly weak.

I am just giving warning now that repercussions of the most terrific sort will follow any abandonment of this city and this District to the kind of violence which seems now to threaten and to the invasion of this rabble horde of people who propose to come and set up what they call their shantytown on the Mall or over where the old buildings used to be, or in any other public places around Washington.

Mr. President, our authorities just cannot let that happen; and if they do, I hope that the Senate and the House will make it as clear as crystal—as I believe it is—that not one jot or tittle of change of opinion on the part of a Senator or a Representative will result when it comes to the passage of legislation. To the contrary, I would feel less inclined to pass legislation of the kind they are demanding, if such a situation as this is permitted to happen.

Mr. President, I do not know what people are thinking about. Have the American people or the American officials lost their guts, just lost their willingness to stand up and fight against what is so clearly sapping the strength,

the reputation, the standing, and the character of our Nation? That is what we are permitting.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. BYRD of West Virginia. The American people have not lost their guts. Their leaders have lost their guts.

Mr. HOLLAND. I am afraid that is the case. I am afraid that means there are more of our people who have done so than we seem to feel here.

So far as I am concerned—and I speak only for that relatively small part of our country—six million Floridians—whom I happen to represent as one of the Senators from Florida—I wish to point out that the great majority of the people of the State of Florida do not subscribe to any such doings as we saw before and as are threatening now.

And another thing: They will not permit their children to come here. On the days when the safety patrols have come here, normally in the past we have had three extra trains from Florida—one from the Miami area, one from the Jacksonville area, and one from the Tampa-St. Petersburg area—besides numerous others coming in buses or in cars. We have had thousands and thousands of them on that single occasion.

Does anyone think I would let any of my children come here under a situation such as that? Does anyone think anybody looking at the picture, who has proper concern for his children and his grandchildren, will permit it?

This is an impasse which we have to meet, and that is the point of my remarks.

I am happy that the Senator from West Virginia and the other distinguished Senators who have taken part in this discusion have made clear just how deep their feeling is and how terrible a course they feel our country is apt to take under this situation now hanging over us.

Mr. BYRD of West Virginia. I thank the able Senator from Florida [Mr. HOLLAND].

I now yield to the distinguished Senator from Wyoming [Mr. HANSEN].

Mr. HANSEN. Mr. President, I thank the distinguished Senator from West Virginia.

I come from a different part of the country than do the distinguished Senators who have just spoken on this matter. I do not believe I could add one idea to the thoughts that have been expressed thus far, but I thought it might be helpful to point out, as one who comes from another part of the country with a somewhat different background, some of the concerns that have been expressed in letters and phone calls and personal visits that I have had in the last several weeks.

Some time ago, when the President of the United States was called upon by a group of students, one of the group asked him if he thought this would be another long, hot summer. The President said essentially this: "Yes; we will have a long, hot summer this summer; and we will likely have several bad summers before the deficiencies of centuries are erased."

Those may not be his exact words, but I believe that is essentially the idea that he set forth to those students in response to a direct question.

I was disappointed that the President had not taken advantage of that opportunity to declare his determination to do all in his power to maintain law and order. This he did not do.

We have heard a great deal said about police brutality. It is my firm feeling and conviction that our black Americans are no different from our white Americans or our red Americans or our brown Americans. We have two and a half times as many Indians as Negroes in the State of Wyoming. We have greater poverty on the Indian reservation in Wyoming than there is in any town within the State of Wyoming, insofar as any other minority group is concerned. It may be that some of our people will be participants in this march. I do not know. I am told that some Indians will be present. Whether any will come from Wyoming, I do not know.

But I believe that all our people, regardless of the color of their skin, regardless of their background, regardless of their ethnic origin or their religion, are essentially the same. I believe they respect the qualities that we admire in people of any color. I believe the evidences of morality are respected equally as much by black Americans as by red Americans and as by white Americans.

I suggest that the American Negro is far more concerned and disturbed today over the lack of adequate police protection than he is disturbed about police brutality. I have talked with a number of colored people in the city of Washington and it is my feeling that what has already been said is manifestly and abundantly true—that the people who live in greatest dread and fear today are those who have been too long denied the adequate police protection. Because of that, they are fearful about what might happen.

I have talked with women who must take taxicabs to their homes every night because they live in parts of the city which are inadequately lighted and are not sufficiently patrolled by the police. They are not secure in their persons, their lives, or their property.

It is a crying shame that in America today there is the problem of alleged police brutality but, also, the far more tragic instances when policemen are not available when they are most needed. As a consequence, lives are lost, bodies crippled or maimed, women raped, and widespread destruction of property, not because of police brutality, but because not enough policemen were available to render the service to which all Americans are entitled.

I am concerned about law and order. I suspect that if there is a single group of people in America who are the most concerned about law and order and who have a greater stake than anyone else, it is the people who comprise the minority group. If there is anarchy, if there is a complete breakdown of law and order, setting the black man against the white man or the red man, what chance would a race have which is outnumbered 9 to 1 by another race?

Can a member of a minority group hope that within that sort of confrontation he may expect to bring about the order and tranquillity which are so necessary for the fulfillment of his aspirations? I do not think so.

The black American and the red American have a great stake in America. They have a great stake in law and order, because their chance to become equal in all respects with every other citizen will be entirely dependent upon law and order.

I recognize that the poor people are just as much entitled as are any other group of people to be heard. No one can deny to any citizen or group of citizens the right, peacefully, to petition their government and their legislative bodies for redress of things that they believe are wrong. Yet, the very nature of the protest and some of the threats that I have read about in the newspapers, threats that seem to be talked about more and more by the leaders, suggests to me that they do not intend to stop with a peaceful presentation of their petitions—and I am not talking about all of the leaders—but running throughout the whole theme of the people's march seems to be the idea that if certain things are not quickly accomplished, if certain goals are not speedily achieved, and if certain ends cannot be rapidly gained, other steps likely will take place, and the legislative processes of our government will be stopped—stopped by the physical presence of persons who will say "We will stay here to do whatever we must do in order to obstruct the legislative processes of government until we have achieved our demands."

Actually, this would be a complete breakdown in our system. It does violence to the concept of legislative government. That is not the way ends are gained legislatively.

I suggest that a more proper application of the persuasion that seemingly would be brought to bear on the Congress should be applied throughout the 435 congressional districts of this country so as to bring about the election of legislators who will be responsible to the reasonable needs and demands of the people. I suggest that is the way we should approach the reforms that are contended for by those who now seek to bring about their will and who seek to impress their will upon Congress by marching on Washington.

I would also point out that not only in Wyoming but also throughout each of the 50 States I know an overwhelming majority of people are not happy about the plight of the American Negro today. They recognize he is and has been denied all too often and for all too long equal opportunity to the fruits of our society. This overwhelming majority of Americans, I believe, wants to do something about it. I know the people of Wyoming want to do something about it. However, I suggest again they will not be encouraged to urge that the proper legislative action be taken to get serious consideration to reasonable demands within the format of a movement which seeks to impose its demands for redress by force upon legislators of this country, rather than by persuasion.

Violence can never hope to achieve

what a great many people would like to have achieved, and because of that I think those who talk about trying to bring about by direct application of force or pressure, ends that otherwise cannot be achieved, do violence to the overwhelming majority of Americans who really and sincerely want, in their hearts, to do something to enrich the lives and the future of all of our citizens.

Mr. BYRD of West Virginia. Mr. President, I wish to express my gratitude to all Senators who have participated in this discussion.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Stop the Violence," which was published in the Washington Post on Sunday, May 5, 1968; the editorial entitled "A Need for Accommodation," which was published in the Washington Post of today, May 6, 1968; an article entitled "Bullet in Back by Bandit Kills Unresisting Grocer," published in the Washington Post on Saturday, May 4, 1968; an article entitled " 'Shantytown' Plan Holds Dangers, Johnson Says" which was published in the Washington Post of May 4, 1968; an article entitled Store Owner Shoots Two In College Park Incident" which was published in the Washington Evening Star of Saturday, May 4, 1968; an article entitled "Drugstore Hit by Fire for Third Time," which was published in the Washington Post of today May 6, 1968; an article entitled "Four Transit Drivers Held Up Overnight" which was published in today's Washington Post; an article entitled "Pay, Riots Put Transit in Red" which was published in the Washington Post of April 30, 1968; an article entitled "District's Welfare Policies Must Change, Hill Warned" which was published in the Washington Post of May 4, 1968; an article entitled "Marchers Tell of Plans for Food, Health Care" which was published in the Washington Post of May 5, 1968; an article entitled "Marchers Moving On To Selma" which was published in the Washington Evening Star of today May 6, 1968; an article entitled "Marchers' Demands Will Get Short Shrift on Hill" which was published in the Washington Daily News of today, May 6, 1968; an article entitled "Mrs. King To Lead Mothers' March" which was published in the Washington Post of May 5, 1968; an article entitled "Treasury Aid Favors Medal To Honor King" which was published in the Washington Evening Star of May 4, 1968; an article entitled "Riot Areas Get Extra Police" which was published in the Washington Evening Star of May 4, 1968; an article entitled "Poor Mass At Mississippi Town To Start District of Columbia March Today" which was published in the Washington Post of May 6, 1968; an article entitled "Spokesman Says March Will Use U.S. Property" which was published in the Washington Post of May 6, 1968; an article entitled "We're With You, Students Wire Columbia Rebels," which was published in the Washington Post of May 4, 1968; an article entitled "Students Seize Two Northwestern University Offices," published in the Washington Post of May 4, 1968; an article entitled "University of Virginia Warns On Disorders," published in the Washington Post of May 4, 1968; an article entitled "Powell Set To March With Poor," published in the Washington Post on May 6, 1968.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 5, 1968]

STOP THE VIOLENCE

The District of Columbia is now being plagued with the aftermath of the recent riot which made a bad crime situation even worse. The stories coming out of the shattered areas paint a discouraging picture. More than 50 incendiary fires have been reported in the last six weeks; windows, many of them just-installed replacements, are being broken every night; merchants tell of incidents in which their stores have been vandalized by gangs. Others say they have been threatened. Those merchants who say they are not bothered usually go on to explain that this is because everyone knows they are heavily armed and are ready to shoot intruders.

Even if some of the stories are exaggerated—the police cannot verify many of them because merchants have not officially reported them—the city has a serious problem. The merchants and the citizens who inhabit the devastated areas are afraid and, in many instances, believe they are not receiving the protection the city owes to them. It may be that the increased police patrols announced Friday night by Director of Public Safety Murphy will meet the problem. They ought to increase the ability of the police to catch some actual vandals, to deter others, and thus to diminish the fears of the residents.

Some of the problem undoubtedly arises as a carryover from the riot. The policy of restraint adopted by the police when they were outnumbered at the outset of last month's rioting was sound. But it was also certain to produce bad side-effects. One is reflected in the fears of the merchants that if their property went unprotected during the early stages of the riot it will still be unprotected. Another, and more serious, effect seems to be an attitude among some young toughs that if they got away with looting and burning under riot conditions they ought to be able to get away with it now. Respect for law and for property if once diminished is sometimes hard to re-establish. But it must be re-established. Disrespect for the law must now be squelched, vigorously and promptly.

The burden of stopping this violence rests on the whole community, not on the police alone, for it was on behalf of the whole community that the police made the choice that life was more valuable than property during the riot. Stopping the violence requires that businessmen abandon their reluctance to report incidents of intimidation and violence. It requires that parents find out what their children are doing. It requires that community leaders preach the gospel of respect for the law.

Above all, however, the situation requires that the Government make it absolutely clear that this violence will not be tolerated. If the augmented patrols now being put into operation cannot do the job, other steps will have to be taken to strengthen the forces of law and order.

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[From the Washington Post, May 6, 1968]

A NEED FOR ACCOMMODATION

It is the obvious object of the Poor People's Campaign to register in the National Capital the anguish of the poor and the oppressed in a way that will impress the Government with the need for appropriate measures to remove discrimination and diminish want.

The first phase of the campaign was carried out in an orderly and peaceful way. It may be argued that the officials and legislators who heard the petition of the poor were already aware of the problems. But awareness is not always the same as action and the Government has been the object of lobbies seeking less worthy action and using less acceptable methods.

The next steps of the campaign are less conventional. It is not at all accurate to compare the camp-in of several thousand people now with the march which Dr. King led to Washington. There is a vastly different climate in the country. And a different group of marchers and campers is involved. Moreover, the tension that exists in the Nation and in Washington heightens the risk of assembling large groups of people in conditions where the maintenance of order is difficult and provision for sanitation almost impossible.

The first and most immediate problem for the march leaders and the authorities is some kind of agreement on quarters and campsites and utilities. The leaders wish to make a visual impact on the Government and the community; to make their presence felt; their cry of anguish heard. The authorities have a duty to facilitate their orderly petitioning; but they have a duty also to protect the health and safety of the visitors, and the health and safety of the community.

There is an element of conflict between the ordinary object of the authorities to maintain an environment in which residents of this community can live and work and in which the Government can safely operate and the object of the march and camp-in, which is to impress the city and the country with their presence—to the point of inconveniencing others.

There must be some accommodation between these positions. Vast throngs cannot be placed in parks and playgrounds where they will be a menace to themselves and to the city's many residents—many of whom are quite as poor and quite as deserving of the solicitude of Government as the visitors. At the same time, the march must be allowed, even at some inconvenience, to make its impression.

This is the task to which authorities must address themselves at once, if both visitors and their hosts are not to be involved in joint calamity. If disorder or disease comes with the marchers, it may be assumed that the consequences will be visited upon us all with a fine impartiality. The leaders of the march and their followers, and the cause they support, will suffer discredit and invite delay and renewed resistance. The community, in addition to bearing immediate physical discomforts, will suffer the social disasters of heightened racial tension and hostility. By the same token, the community and the Nation will suffer in other ways, fully as serious, if the marchers are not permitted to assemble and petition their Government.

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[From the Washington Post, May 4, 1968]

BULLET IN BACK BY BANDIT KILLS UNRESISTING GROCER

(By Jack White, Jr.)

When the holdup man told him to open the safe, Emory Wade did not resist. He knelt down, and after dialing the combination, turned his head slightly to the left.

Then the gunman fired a single shot. It hit Wade in the back and killed him.

Wade, 40, manager of the A&P grocery at 821 Southern ave., Oxon Hill, was following company orders not to risk his life when he was killed yesterday morning.

District police arrested three suspects, one a half-hour after the shooting and the other two several hours later. All were charged with murder and armed robbery.

Prince Georges Detective Captain Joseph Hill gave the following account of yesterday's shooting:

About a dozen employes and customers were in the store about 9:30 a.m. when two men with drawn pistols entered.

One of the holdup men ordered the employes and customers to the rear of the store

while the second man went into the manager's office and confronted Wade and assistant manager William C. Chaney, 42.

The bandit told Chaney to stand still and ordered Wade to open the safe. Wade knelt in front of the safe and opened it. Then he was killed.

After emptying several money trays into a bag, the two holdup men rifled two cash registers and fled. Police said they took about $5000.

A couple on a shopping trip saw the men get into a black car driven by a third man. The couple followed the getaway car until they got its license number, which they gave to Washington police.

After talking with the owner of the getaway car, police arrested Frederick D. Johnson, 24, of 4281 6th st., se. No money was found, police said.

Two other suspects were arrested about 7 p.m. They were identified as Franklin Delano Clark, 27, of 828 Barnaby st. se., and Willie B. Whitmire, 29, of 916 Varney st. se.

Wade is survived by his wife and three children. The family lives at 422 Longview dr., Woodbridge, Va.

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[From the Washington Post, May 4, 1968]

"SHANTYTOWN" PLAN HOLDS DANGERS, JOHNSON SAYS

(By Willard Clopton, Jr.)

The plan for a poor people's "shantytown" in Washington "contains many inherent dangers," President Johnson said yesterday.

He told a news conference:

"Every person participating and every person in the Capital should be aware of the possibilities of serious consequences flowing from the assemblage of large numbers over any protracted period of time in the seat of government, when there is much work to be done and very little time to do it."

The leaders of the Poor People's Campaign intend to bring at least 3000 and perhaps as many as 10,000 demonstrators to Washington, starting May 12. The plan is for them to stage a mammoth "camp-in" here until Congress acts to eliminate poverty.

The President stressed that Americans "must always have a right, and we hope the opportunity, to present to their government their viewpoints, as long as that is done lawfully and properly."

"We hope," he continued, "that the presentation made will be nonviolent, although we are well aware that no single individual can give assurances that they can control a situation like this." He added that "extensive preparations" have been made to deal with any disorder.

Concern about possible danger also was reflected yesterday in Congress and among officials of the Washington area's suburban governments.

It was announced that a House Public Works subcommittee will meet Monday morning to consider a stack of bills and resolutions drawn up to help forestall any disturbances.

Twenty-six bills, sponsored by a total of 70 House members, have been introduced. In general, they would forbid overnight camping on Federal land and require the posting of bonds to cover any damages to Government property resulting from demonstrations.

The suburban leaders met for nearly two hours with Assistant Attorney General Fred M. Vinson Jr. to discuss regional cooperation during civil disturbances.

One topic dealt with precautions to be taken when caravans of the protest marchers pass through the suburbs on their way to Washington.

The meeting was called "generally fruitful" by William W. Greenhalgh, president of the Montgomery County Council.

One result, he said, was a general agreement on imposing area-wide restrictions, such as curfews or curbs on sale of liquor or firearms, during any future disturbances.

Other participants included Chairman Gladys Spellman of the Prince George's County Commissioners, Chairman Frederick Babson of the Fairfax County Supervisors, Arlington County Manager Bert W. Johnson, Alexandria Mayor Charles E. Beatley, Jr., and Sen. Daniel B. Brewster (D-Md.).

In another action, the Rev. Channing E. Phillips urged the District to drop its appeal of a court ruling that did away with the city's one-year residency requirement for welfare applicants.

Mr. Phillips, a candidate for District Democratic National Committeeman, noted that the requirement would block the camp-in participants from obtaining relief payments while they are here.

The appeal action, he said, seeks to deny "the right of survival to poor people who wish to assemble here to petition their just grievances."

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[From the Washington Star, May 4, 1968]

STORE OWNER SHOOTS TWO IN COLLEGE PARK INCIDENT

The owner of a College Park carry-out store last night shot and wounded two youths he said were threatening him with a pipe and a hammer, Prince Georges county police reported.

The youths were in a crowd of about 25 young people on a parking lot outside the Hollywood Carry Out, 9901 Rhode Island Ave., the owner told police.

The two wounded youths were admitted to Leland Memorial Hospital, Riverdale, where their conditions today were listed as fair. One was shot in the chest and groin, and the other in the abdomen, police reported. Neither was charged.

Police said the owner also was not charged on the grounds he evidently acted in self-defense.

An employe of the store identified him as John Baxter, 37.

ENTRY ON PREVIOUS NIGHT

The store had been broken into the night before, police said.

According to police, Baxter gave this account of last night's incident:

About 11:40 p.m., one of the youths in the crowd broke out the windows in a telephone booth next to the shop. When the owner went outside, a youth holding a pipe over his head came at him, and the owner fired a warning shot.

The youth continued to approach, and the owner fired two shots from about eight feet, wounding him.

When a second youth attacked with a hammer, and the owner fired one wounding shot.

Moments later, all of the youths fled, leaving the pipe and hammer behind.

Police did not reveal the names of the youths because, they said, both were juveniles. A hospital spokesman said, however, that although one is 17 years old, the other is 20.

The law classifies persons 17 and younger as juveniles. Qualified police spokesmen were unavailable for comment.

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[From the Washington Post, May 6, 1968]

FOUR TRANSIT DRIVERS HELD UP OVERNIGHT

Four D.C. Transit bus drivers were robbed Saturday night and yesterday morning, police said. They listed these incidents:

About 9 p.m., at Benning Road and H Street se., three men boarded Thomas Bilchard's bus. Two were armed and demanded money. He gave them $79 and they fled on foot.

About 9:30 p.m., at 51st and Grant Streets ne., two men, one armed, entered Jesse Royster's bus. He gave them an undetermined amount of money and his wallet. They backed off the bus and told him to get going. As he drove off, they fired three shots that hit two windows and a tire.

About 10:15 p.m. at 50th Street and Central Avenue ne., two men armed with handguns entered Starr Harris' bus. A third man stood outside the door pointing a rifle at Harris. He gave the bandits $43, his wristwatch and 200 tokens.

About 3 a.m., at 2d and E Streets nw., a man got on William T. Morris' bus, pulled a gun, took Morris' wristwatch, $17.50, and 50 tokens and then ran up an alley.

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DRUG STORE HIT BY FIRE FOR THIRD TIME

A Peoples Drug Store that had been burned during last month's riot and at least once since then went up in flames again yesterday.

The blaze began about 4:03 a.m. in the first floor of the store at Georgia and New Hampshire Avenues nw.

The fire marshal's office said the store had been boarded up and when the first firemen arrived, the plywood covering the east show window blew out. Inside, they found a big ball of flame.

The fire consumed all traces of its cause, the first marshal's office said. It added that damage was heavy.

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[From the Washington Post, Apr. 30, 1968]

NEW FARE RISE POSSIBLE: PAY, RIOTS PUT TRANSIT IN RED

(By Jack Eisen)

A large cost-of-living wage increase just granted to its drivers and revenue losses resulting from this month's rioting have wiped out most of D.C. Transit System's expected profits for the year, industry sources said yesterday.

The report is another harbinger of a possible early request for a new fare increase added to the one, now being challenged in the courts, that was granted in January.

O. Roy Chalk, D.C. Transit's president, said yesterday that the company is "in a very difficult situation." But he refused to forecast what moves he will make.

The Metropolitan Area Transit Commission, in approving the January fare increase, estimated the company would earn a profit of $767,057 after expenses and interest payments. The pay raise and riot-caused revenue losses probably will trim this by more than $500,000, industry sources said.

The profit estimate did not take into account an additional 4 cents hourly cost-of-living increase that went into effect Sunday. It will cost an estimated $240,000 additional between now and next January, even without further cost-of-living increases.

This increase stemmed from the latest spurt in the Federal Government's consumer price index, announced Friday. The labor contract signed in October, 1966, between D.C. Transit and the Amalgamated Transit Union provided for fixed increases up until this past weekend, when it once again became tied to the consumer price index.

The Transit Commission's fare decision anticipated a wage increase of 11½ cents an hour starting this week. The actual increase was 15 cents. Each penny costs the company $60,000 a year in wages.

Also on the horizon are negotiations for a new labor contract that will go into effect at the end of October.

Patronage figures for the riot period filed by D.C. Transit with the Transit Commission indicated that it lost about $100,000 in revenue compared with the same period last year.

Even more significant, Chalk said, was the loss of charter and sightseeing-business during the Cherry Blossom Festival, which was canceled.

D.C. Transit expected $2.2 million in such revenue this year. Industry sources said the company may lose as much as $250,000 of this, although some may be recovered.

One indication of D.C. Transit's possible

future moves came when it failed at last Friday's deadline to appeal the extent of January's fare rise, which it had branded as inadequate. Single fares went up two cents to cash payers and tokens were raised from four for 98 cents to four for $1.

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[From the Washington Post, May 4, 1968]

DISTRICT'S WELFARE POLICIES MUST CHANGE, HILL WARNED

(By Elsie Carper)

A Senate subcommittee was told yesterday there will be "picketing and sit-ins" unless Congress changes the welfare policies of the city to meet the "basic human needs" of the poor.

Etta Horn, chairman of the Citywide Welfare Rights Organization, testifying before the Senate Appropriations Subcommittee on the District, declared, "We are telling you to move over or we will move over you!"

Mrs. Horn had prepared her testimony with the expectation that the Subcommittee chairman, Sen. Robert C. Byrd (D-W. Va.) would be presiding. But Byrd had left the hearing room and turned the chair over to Sen. William Proxmire (D-Wis.).

After expressing her disappointment that Byrd was absent, Mrs. Horn read her statement referring to Byrd as "Masser Byrd."

"I am here today to serve notice on you and the city of Washington that your plantation-boss days are over," she declared. "Washington's welfare recipients and poor people are not going to bow their heads any longer to the inhuman system placed upon us by racist politicians who use welfare as a political football and keep people in slavery and fear."

Later, another speaker, Donald Crone, first vice president of the Federation of Citizens Associations, apologized to Proxmire for the tone of Mrs. Horn's statement.

Proxmire replied: "Witnesses should be free to make their case with whatever vigor they desire . . . I wish that is all we had to worry about."

Mrs. Horn said that the standards of public assistance in the city "are so low that the program starves people." Among specific changes that she "demanded" were an increase in food and rent allowances for welfare recipients, a full medicaid plan and an end to the man-in-the-house rule.

Other speakers also asked for a change in welfare standards to reflect higher living costs. Other speakers urged the subcommittee to take action blocking the proposed changes in public school boundaries for junior and senior high schools to equalize enrollments. The hearing was on the city's $609 million budget for the fiscal year beginning July 1.

Two speakers, John Zolyak of the Federation of Business Associations, Inc., and Crone, representing the Federation of Citizens Associations, warned that the fiscal solvency of the city is threatened by a growing tendency on the part of city officials to keep the budget in balance by borrowing funds from the Federal Treasury.

Zolyak said that the proposal to borrow $94.5 million during the coming fiscal year would constitute 18.3 per cent of the general-fund revenues and would be half again the amount that was borrowed last year and three times the average annual loan over the past ten years.

Crone said that rising taxes in the city are driving residents and business to the suburbs. Proxmire produced a study showing that among the Nation's 21 largest cities, Washington ranked 17th, 15th, 14th and 9th in various categories.

On the question of welfare payments, Mrs. Wayne Coy, chairman of the D.C. Public Welfare Advisory Council, submitted the results of a new survey based on a sampling of housing for welfare recipients.

It showed that 65 per cent of families with children living in housing declared substandard by the Department of Licenses and Inspections are paying 35 per cent more than the welfare rental allowance. The remaining 35 per cent, who live in housing that meets the standards, must pay an average of 61 per cent more than the allowance. The top allowable rent payment is now $62.15 a month, Mrs. Coy testified.

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[From the Washington Post, May 5, 1968]

MARCHERS TELL OF PLANS FOR FOOD, HEALTH CARE

(By Martin Weil)

Spokesmen for the Poor People's Campaign still weren't saying yesterday where its marchers planned to camp here, and Government officials weren't saying what they planned to do when the marchers arrive.

But more information was released on some of the logistical details of the campaign, including what the marchers will eat, and how they will get medical care, once they begin arriving May 13.

The Rev. Bernard Lafayette, a Southern Christian Leadership Conference official and a march spokesman here, said possible camp sites for the marchers are still being considered and he "is not in a position to say yet" which they will be. But he said they will all be "in some proximity of the Federal Triangle."

He reiterated the marchers' intention to build and live in "shanty towns" on the Mall, the only one of the prospective camp sites named thus far.

Prefabricated houses in which the marchers will live while on the Mall are being assembled at Xaverian College here, he said. By next weekend, he added, housing for about 1000 people should be ready.

Because of an increasing number of marchers, Lafayette said, three or four different camp sites may be needed.

Neither city nor Federal Government officials disclosed how they were planning to receive the marchers.

"Somebody must be thinking about it," said Dean St. Dennis, Justice Department spokesman, but, he added, "I don't know that there's a committee."

Julian Dugas, the District Government's Director of Licenses and Inspections and a principal aide of Mayor Walter E. Washington said: "I don't believe anybody's dealing with the Poor People's March . . . I guess they don't feel any need to talk to us."

He said that "they say they have their own capacity to take care of their own needs." He said that the marchers are "just a group of citizens; we can absorb a tremendous number."

Alice Arshack, food coordinator for the campaign, said some of the food had already been stored in a warehouse at an undisclosed location, but that more is needed.

She said breakfasts and lunches would be prepared in large kitchens away from the site, then taken to the sites and served there, cafeteria style.

The kitchens of two Washington parochial schools will be used to cook the food, she said. More kitchens, as well as more volunteer cooks and helpers, are being sought.

A sample dinner menu includes chicken on a pot pie base or served over biscuits; salad, bread and margarine, fig bars and coffee, tea or milk.

Mary Holman, a spokesman for the Medical Committee for Human Rights, which is providing health services, said her committee had plans and resources for sanitation and sewage handling at any site the marchers select.

One, and possibly two mobile health clinics have been provided by the D.C. Health Department, she said, and Children's Hospital and D.C. General Hospital have been opened to the marchers.

[From the Washington Evening Star, May 6, 1968]

MARCHERS MOVING ON TO SELMA

(By Charles Conconi)

EDWARDS, MISS.—The Rev. Ralph David Abernathy today led the Southern caravan of the Poor People's Campaign from Edwards toward a reunion with places made famous in earlier civil rights campaigns.

The first scheduled stop for Abernathy and approximately 150 demonstrators riding the buses with him will be Selma, 197 miles away in Abernathy's home state of Alabama.

It was there in 1965 that the late Dr. Martin Luther King Jr. and Abernathy directed the demonstrations and led the march across the Edmond Pettus Bridge that brought the passage of a voting rights bill.

Abernathy, who has assumed leadership of the Southern Christian Conference since King's slaying, said he would ask the campaigners to leave the buses for a symbolic walk across the span where he once faced Sheriff Jim Clark. Abernathy will speak at a mass meeting in Selma tonight.

"You know Selma," he shouted at a rally here last night. "That's where we got the voting rights bill."

Speaking on the campus of a defunct junior college near here, Abernathy related how he and King faced troops at that bridge, ignored an injunction against their march and finally walked across the bridge with thousands of persons of all faiths and races behind them.

"We gonna stop in Selma and I will be there," he promised, adding that the buses might stop also in Marion, Miss., to honor the memory of Jimmy Lee Jackson, "the first casualty of the movement."

Jackson was a 26-year-old Negro laborer killed by gunfire during the 1965 demonstrations at Selma.

RETURNING TO MARKS

From Selma, Abernathy will then leave the caravan to return to Marks, Miss., the Delta town where Poor People's Campaigners came first after the King memorial services last week in Memphis. He will send the Marks group on its way tomorrow to build a tent and shack city in Washington after its train arrives there in about 6 days.

Tomorrow night, Abernathy plans to again meet the Southern caravan as it makes a second stop at Montgomery, on its 14-day trip. There Abernathy and King conducted the bus boycott in 1955, when both men were ministers there.

A mule-drawn caravan, which was also to leave Marks tomorrow, has been postponed until Thursday to give SCLC time to have mules shipped to the Quitman County seat. The mules are expected to bring some 100 demonstrators riding in farm wagons on a 25-plus-day trip to the Nation's Capital.

Looking rested after spending two days in Atlanta, Abernathy faced some 300 persons crowded into the small dreary auditorium of the former college here and said he was anxious to get to Washington to build "The New City of Hope" for the campaign's camp-in.

"We don't know where we are gonna build it. There is a lot of land up there . . . when I get there I am gonna walk around and pick a spot and then I'm gonna pick up the hammer and the nail and drive the first nail and I am gonna go to jail first . . . if they stop us, another wave (of demonstrators) will come . . . and another . . . and another."

NO BAIL PLANNED

There will be no bail for anyone arrested during the campaign, he added.

To fill the ranks of his short march today from this campus, Abernathy asked the schoolchildren in the audience to stay out of school today. Children have not attended classes in Marks since the demonstrators

arrived there Thursday and a group of county teachers have said they will keep the Negro schools closed until Abernathy leads the demonstrators out of the state.

"I guarantee you . . . I can teach you more history in one day than you can learn in school," he said, with the students in the crowd cheering wildly.

The walk from the campus to buses waiting at the outskirts of Edwards is less than two miles. This small community located midway between Vicksburg and Jackson, the state capital, was chosen simply because it was close to Jackson.

JACKSON MARCH CANCELED

Since the Selma and Montgomery rallies were added to the zig-zag route of the Southern caravan, Abernathy canceled a planned march into Jackson.

Laughing at last night's rally about the criticism he received last week for being hours late for appointments with Cabinet officers in Washington, Abernathy admitted that his actions were probably unprecedented. But he snapped "we've been waiting for 350 years. Why can't Mr. (Dean) Rusk wait three or four hours?"

He declared at the rally that he was not going to suggest or write any specific legislation to help the poor. "I am gonna raise the questions and they got to write them to my satisfaction."

VIRGINIA STOPOVERS

In Virginia, campaign leaders announced that trains and busloads of marchers will arrive in Danville Saturday to spend the night and recruit more marchers before moving on to Washington on Sunday.

On May 17, the Southern caravan will arrive in Norfolk, leaders said, to spend the night and pick up people.

The caravan will leave for Richmond on May 18, with a stopover in Waverly.

In Meridian, Miss., yesterday, Roy Wilkins, national director of the National Association for the Advancement of Colored People, told a meeting he hopes the marchers in the campaign can be controlled.

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[From the Washington Daily News, May 6, 1968]

ROUND-UP OF PROSPECTS: MARCHERS' DEMANDS WILL GET SHORT SHRIFT ON HILL

(By William Steif)

Although President Johnson professes sympathy with the objectives of the Poor People's Campaign led by the Rev. Ralph D. Abernathy, a survey of congressmen today showed it was unlikely many of the group's demands would be met.

There was no way of estimating total cost of the demands made here at meetings with Cabinet officials last week. But at his news conference Friday Mr. Johnson estimated Great Society legislation awaiting congressional action would cost $80 billion if enacted. The marchers' demands would be even more expensive.

Three reasons are given by sources here for likely inaction on the marchers' demands and and only partial action on Administration requests:

The U.S. can't afford multi-billion-dollar programs when the dollar's soundness is under attack around the world.

Many of the demands would require revolutionary changes in Federal, state and local relationships, with the Federal Government taking over programs now begun and run locally.

The demands tend to create white backlash, which translates into political problems for many congressmen.

Some on Capitol Hill believe this session may wind up with a net loss for the poor because of the pressure now mounting to rescind earlier money authorizations. But the prevailing opinion is that modest gains will be made—and that many of these would have been made without the poor people's campaign.

Here is a breakdown of the marchers' demands and likely responses:

Demand—A minimum of one million Government-financed jobs this year and another million in the next four years, plus massive hiring by private industry.

Response—Liberals like Sens. Joseph S. Clark (D., Pa.) and Jacob K. Javits (R., N.Y.) could push a big employment bill, such as Sen. Clark is sponsoring, through the Senate by mid-July. House action would be unlikely, however, and even if the House went along, appropriations committees wouldn't grant more than token funds. Administration is pushing a plan for private industry to hire and train 500,000 hard-core jobless through fiscal 1970.

Demand—Five year plan to build "thousands" of low-income housing units, exact number unspecified. Also sought: More home ownership, more model cities money, more rent supplements, one of excess Federal lands for poor, expanded relocation program, guaranteed jobs for poor on model cities and low-income construction, Federal grants only to communities which provide a "fair share" of low-income housing for the poor.

Response—Senate committee has cut five-year Administration bill to three-year, $5.2 billion program aimed at building 1.8 million units. This may satisfy poor marchers and Senate passage could come late this month or in early June. But House will pare measure down further. Congress will meet some demands, but won't change relocation program and won't earmark Federal funds for only those communities willing to accept a "fair share" of the poor.

Likely fate of housing proposals was indicated Friday by the House Appropriations Committee. It whittled $190 million from Mr. Johnson's request for $1.4 billion to expand housing programs in fiscal 1969.

Typical was a cut of $8 million in subsidies for new units of low-rent public housing. The $75 million remaining after the cut would add 75,000 new units to the nation's supply instead of the 85,000 Mr. Johnson contemplated. More drastic was the committee's cut of rent supplements: The President asked $65 million and the committee allotted $25 million, reducing the number of new units possible from 72,000 to 26,000.

Demand—Declaration of a national food emergency among poor, and special Federal feeding programs in 256 "hunger" counties recently named by a special citizens panel. Also sought: Free food stamps for poorest people, recognition of special dietary needs of pregnant women, children, sick and aged, and expansion of school lunch program.

Response—Agriculture Department could declare emergencies and carry out feeding with funds drawn from tariff collections under old law, but it won't. Department fears wrath of conservative congressional committees. Office of Economic Opportunity has small feeding program, faces appropriations trouble. Bigger school lunch program is only likely move—Congress last week passed bill extending it to day-care centers and camps.

Demand—Repeal of Federal limit on welfare contributions and of law forcing some welfare mothers to take training and jobs.

Response—Congress will delay welfare freeze one year, to July 1, 1969.

Demand—"Forceful" carrying out of 1964 Civil Rights Act and Fair Housing Law Mr. Johnson signed last month.

Response—Enforcement staff at Health, Education and Welfare Department is looking for "short-cuts" to school, hospital and welfare desegregation. Housing and Urban Development Department is preparing to enforce Fair Housing Law.

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[From the Washington Post, May 5, 1968]

MRS. KING TO LEAD MOTHERS' MARCH

Mrs. Martin Luther King Jr. will lead a mass march here next Sunday, Mother's Day, on behalf of welfare mothers seeking larger payments and the repeal of what they call repressive welfare laws.

The Washington welfare march and a rally are planned to top off a day of similar demonstrations in about 50 cities, under the sponsorship of the National Welfare Rights Organization.

The march is scheduled to begin at 3:30 p.m. at the John F. Kennedy playground at 7th and P Streets nw., in the heart of a riot-damaged area. It will proceed to Cardozo High School, where Mrs. King and welfare rights leaders will speak.

Along the way, the march organizers hope to stop the procession at the Congressional Club, 2001 New Hampshire ave. nw., for a meeting with Congressmen's wives.

The welfare organization said it has asked Mrs. Wilbur D. Mills, wife of the Arkansas Representative and chairman of the club's hospitality committee, to arrange the meeting.

Mrs. Mills said yesterday the request would have to go to the Club's board of directors. She had no comment.

The welfare organization has its national headquarters here, at the Poverty/Rights Action Center, 1762 Corcoran st. nw.

Earlier next Sunday, the organization plans to send about 100 speakers, a majority of them welfare recipients from the District and other cities, to area churches to explain briefly the goals of the march.

The two major demands, the organization said, are a guaranteed annual income of at least $4000 for each American family and the repeal of welfare provisions in the 1967 Social Security amendments.

The two provisions under heaviest attack from the welfare rights group are a freeze in the Federal share of aid to families with dependent children payments and a mandatory work and job training program for relief recipients.

The group will not request a parade permit for the May 12 march because "it is not the policy of the campaign to apply for permits," a spokesman said. He said the group anticipates no difficulty in carrying out the march plans.

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[From the Washington Star, May 4, 1968]

GO TO DISTRICT OF COLUMBIA, GET ON WELFARE IMMEDIATELY, POOR ARE TOLD

(By Charles Conconi)

MARKS, MISS.—The top organizer for the Poor People's Campaign here told a rally last night that campaigners can go to Washington one night and be on welfare the next day.

The Rev. James Bevel spoke to about 500 youths, gathered in a weed-thick campsite, about the same subject argued before the Supreme Court in Washington this week. District lawyers said that if the high tribunal allows a ruling to stand which knocked out Washington's one-year welfare residency requirement, the city would be deluged with welfare demands by participants in the Poor People's Campaign.

Bevel shouted "We gonna go to Washington and demonstrate, get on welfare, and go to jail." The rally was held in front of one of four circus-type tents erected here for marchers to Washington.

NOW RECRUITING

Organizers for the campaign were getting down to the real business today of recruiting people from this Delta town and the region around to join the movement to Washington Tuesday.

By then the SCLC and the nearly 300 marchers who came Thursday from Memphis hope to increase greatly the number of demonstrators who will leave the Quitman County seat for Washington, some by freedom train and some in mule-drawn wagons.

"Sock soul . . . sock soul . . . ," the youths shouted happily at last night's rally, using the new slogan that a group of militant

Memphis teen-agers have brought to the movement.

Bevel, who had been introduced as the "prophet" by SCLC fieldworker J. T. Johnson, spoke in the language every kid could understand and complained that no institution in America respects the Negro.

SLEEP IN CHURCHES

He told the youths that if they wanted to be men and women they must first love themselves. "Jesus is not coming to Marks to deliver anyone," he shouted. "If you get out of your mess it is because you love yourself."

The demonstrators did not use the campsite for sleeping after the rally because they were without blankets, so they spent the night in churches and in private homes.

Mayor Howard Langford of Marks met for nearly an hour yesterday with Bevel. Both came from the meeting praising each other.

AGREED ON GOALS

Bevel said they had talked about poverty and added, "We can't assume that people are our enemies because they are a different color or speak with a different accent.

"He agreed with our (campaign) goals," Bevel said. There was no discussion, he added, of the techniques SCLC uses to accomplish its goals.

The part-time mayor, who once owned the town's only movie theater before television put it out of business, said he felt more officials should meet with these people.

"Rev. Bevel doesn't want violence. He stressed it, stressed it and stressed it," the mayor added

Meanwhile, United Press International reported that Quitman County Sheriff L. V. Harrison late yesterday arrested Thomas L. Davis, 51, of Marks, on a charge of firing a rifle at a helicopter rented by television crews covering the march from Memphis to Marks on Thursday. The bullet hit a landing skid, but injured no one.

Although yesterday had been a day of harmony and cooperation between SCLC workers and the city government, which arranged water, electricity and sanitary facilities for the campsite, the night rally broke up when word circulated among the campaigners that several young white men who were drinking were congregating on downtown street corners a few blocks from the Negro area.

On the small town's main street stood about 15 white men in small clusters. Two men sitting in one of the pickup trucks seen so often in this area with rifle racks in the back windows, sat drinking from paper cups and glaring at a white newsman who passed after leaving the rally.

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TREASURY AIDE FAVORS MEDAL TO HONOR KING

A top Treasury official suggested today the striking of a gold medal and bronze copies in memory of Dr. Martin Luther King Jr.

Robert A. Wallace, assistant secretary of the Treasury, said a gold medal could be ordered by Congress to be presented by the President to King's widow.

Bronze copies, Wallace said, could be struck and made available at cost to the Rev. Dr. Martin Luther King Jr. Fund at Morehouse College in Atlanta for resale to the public.

Wallace said he prefers this approach to a commemorative coin which would result in uncertainties in the coinage system. Commemorative coins have not been issued in many years.

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[From the Washington Post, May 6, 1968]

POOR MASS AT MISSISSIPPI TOWN TO START DISTRICT OF COLUMBIA MARCH TODAY

(By Robert C. Maynard)

EDWARDS, MISS., May 5.—Nearly 200 young Mississippians, after a rally that was more like a Baptist revival meeting, prepared late tonight to begin a caravan to Washington Monday as the Southern contingent of the Poor People's Campaign.

The caravan, which will pass through such previous civil rights battlegrounds as Selma, Montgomery and Birmingham, Ala., is due to arrive in Washington May 19.

Meanwhile in Marks, Miss., the first contingent of the Poor People's Campaign is preparing to board a "freedom train," which might turn out to be buses, for the trip north to Washington by way of such Tennessee cities as Knoxville, Nashville and Memphis. The group in Marks will be joined by others in those cities before arriving Sunday in the Nation's capital.

Other contingents will start out this week from the West Coast, from Chicago and from Boston. All of them will be picking up additional marchers as they travel toward Washington.

About 1000 persons have registered for the Marks leg of the march but officials may cut the number to 300 to keep it from getting unwieldy.

At the rally here today, Fannie Lou Hamer of Ruleville, Miss., said she believed that the Rev. Dr. Martin Luther King Jr. died as a result of a conspiracy among whites.

"I am mad," Mrs. Hamer told the rally at the Mississippi Delta Ministry. "The bill that was passed after Dr. King was killed said that if I live until 1972 I can move into the white man's neighborhood. But I can't find $16 to pay the rent where I live right now."

The Rev. Ralph D. Abernathy, successor to Dr. King as president of the Southern Christian Leadership Conference, organizer of the Poor People's Campaign, said in a press conference earlier in Jackson, Miss., that there is a chance that Negro teachers in segregated school districts in the South may go on strike in support of the campaign.

Mr. Abernathy told the rally "I'm not going to write any bills. That's the job we pay (Sen. James O.) Eastland $32,000 a year for. But I'll tell you what—he better write it to my satisfaction. When I get to Washington, I'm going to make Eastland my secretary."

Mr. Abernathy appeared at the press conference with most of the 127 striking Marks Negro school teachers, who said they would not return to their jobs until the campaign has been launched from Marks.

Mr. Abernathy, who said SCLC is "not necessarily" encouraging the closing of schools as a way of showing support for the Poor People's Campaign, said nonetheless he understands "this may be repeated elsewhere."

He also said that SCLC is having difficulty keeping participation in the march down to a manageable number.

The Rev. Andrew J. Young, a top SCLC official, said that the organization would prefer a small, tightly knit demonstration of 2000 to 3000 to one of a large and possibly unwieldy size.

Asked if the campaign intended to have all of its participants apply for public welfare in Washington, Mr. Young said there is no such policy in SCLC at this time. He said that SCLC cites such possible welfare applications as a means of dramatizing the need for a national welfare policy or a guaranteed annual income.

Mr. Young told reporters that the Poor People's Campaign could have its focus changed from Washington to any other city or town in the Nation.

He said that the campaign intends to "get a confrontation with the establishment on the question of poverty and we'll take it anywhere" to get such a confrontation. He added: "We almost did it in Memphis."

He explained that if the garbage strike, which Dr. King was assisting when he was slain in Memphis April 4, had not been settled on the day that it was settled, SCLC was prepared to make Memphis and the garbage strike the symbolic battle of all poor people in America.

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[From the Washington Post, May 6, 1968]

SPOKESMAN SAYS MARCH WILL USE U.S. PROPERTY

(By Bernadette Carey)

An official of the Poor People's Campaign said yesterday that the coming massive demonstration, including the building of a shanty town, will definitely use Federal property.

He said Campaign organizers met with Federal officials last week and informed them that the group would not seek a permit but would go ahead with the use of Federal property, leaving the next move to Government officials.

Yesterday, a small group of Campaign staff workers toured several possible campsites in the area around the Mall.

The tour began in the West Mall, directly in front of the Smithsonian Institution's main building

From there it went to the area west of the Washington Monument, directly across from the White House Ellipse, and finally to West Potomac Park.

The staff workers said they were particularly interested in West Potomac Park because wiring and sewer lines from the buildings put there during World War II and now removed might still be present.

Bernard Lafayette, national coordinator for the Campaign, said the group is no longer considering any campsite for its shanty town and tent cities that is not within easy walking distance of the Federal-agency complex and the Capitol.

Lafayette also noted that the campaign's petition "for redress of grievances was, is, and will be nonviolent. Our energies will be dedicated . . . toward fulfillment of historic promises. We intend to remain until they are redeemed."

Meanwhile, in Hopewell, Va., the chairman of the Virginia State Unit of the Southern Christian Leadership Conference disclosed his plans for participation in the Poor People's Campaign.

The Rev. Curtis W. Harris said trains and busloads of marchers will arrive in Danville Saturday to spend the night and will move into Washington the following day.

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[From the Washington Post, May 4, 1968]

"GENERATION WAR" THREATENED: WE'RE WITH YOU, STUDENTS WIRE COLUMBIA REBELS

(By Nicholas Von Hoffman and Jesse W. Lewis, Jr.)

NEW YORK, N.Y., May 3.—On the 11th day of crisis, the struggle at Columbia University threatened today to turn into a wider war across the generation gap.

Inside strike headquarters on this campus, where not a book has been cracked for days, they were getting telegrams of encouragement from students at Berkeley, the Universities of Montreal, Georgia and Washington.

There were other wires from Bertrand Russell, SANE, Reed College and a group from Northwestern University that said:

"This telegram is being sent from the Office of the Dean of Students. This office is being held by a group of white students in an act of support for the Afro-American Student Union who are currenty occupying the financial affairs building. The intention of both student groups is to hold these buildings until the request of black students are satisfactorily resolved."

At Columbia itself there was little evidence that issues were close to being resolved. Thousands of students met in hundreds of meetings and caucuses while the youth culture intensified its domination of the place with an afternoon concert on the quadrangle by the Grateful Dead, the Haight-Ashbury's most beloved acid rock band.

The University Administration and Board of Trustees are relying on a committee of renowned professors to come up with a set of proposals that will get people back in the classrooms.

These academic superstars are suggesting the creation of a fact-finding commission to look into Tuesday morning's bloody expulsion of sit-inners from occupied buildings by the New York police. They are also at work trying to figure out a mechanism to rewrite the charter under which the University operates to make it more democratic.

However, the superstar committee may dissolve into a milky nebulous cluster unless it meets the striking students demand of complete amnesty as a precondition to negotiation.

English Prof. Lionel Trilling said Columbia's lay board of trustees is prepared to bow to student militants to a degree and "to relinquish authority."

Trilling, who has actively sought to end the dispute said of the trustees, "They are willing to consider the delegation, or the sharing, of authority, so far as it is good for the University."

The University has consented to the creation of a student-faculty-administration commission to mete out punishment but seems unwilling to go any further. One Columbia official said anonymously he hoped the strike would peter out by Monday so that the school could sneak back into operation.

Exactly what the University is up to is hard to tell. President Grayson Kirk hasn't made a public appearance since he talked to newsmen Tuesday.

His vice president and provost, David D. Truman, did appear on an educational television station for nearly two hours this morning where he was interviewed by students of the Columbia School of Journalism.

He said the police had exceeded their instruction by using plainclothesmen and by clearing out spectators rather than just the student revolutionaries, in what is now called around here "the Big Bust" of Tuesday morning.

"The use of police force is a shocking thing for people who are not used to it and our plans went awry," said the provost. But without attempting to say no mistakes were made by us, it was not the University which introduced violence on this campus. It was the leaders of the Student for a Democratic Society (SDS) who wanted a confrontation."

The older people's line here seems to be that the University was had by a group of tough, experienced revolutionaries.

But a march of about 500 persons to Harlem and back to the campus tonight was uneventful. Even the rally that followed the march was tame compared with previous events.

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STUDENTS SEIZE TWO NORTHWESTERN UNIVERSITY OFFICES

EVANSTON, ILL., May 3.—Negro students took over an administration office at Northwestern University today, demanding courses in Negro history and additional scholarships.

A group of white students, acting in sympathy, then invaded the office of the dean of students three blocks away. They said they would remain there as long as the Negroes continued their holdout.

The sit-ins were led by a group called For Members Only (FMO), which claims to represent Northwestern's 120 Negro students.

James Turner, a spokesman for FMO, said the students would stay until the university promised to "provide living units for those black students who want to live together," and courses in Negro literature, history and art with ultimate decision on the teachers of such courses in the hands of the students, and creation of a black student union.

Turner said the Negroes' complaints also included the lack of "soul food" in the university cafeteria such as chitterlings and collard greens.

Later he said his reference to chitlins and greens was "intended to be humorous" and accused the press of "making a mockery" of Negro students' concerns.

"This is what happens when we, the black people, try to talk to the country about the things that concern us," he said. "The black students are not dealing with the issue of eating pigs' guts."

After the late afternoon faculty meeting, Dean of Students Roland J. Hinz said, "Everyone was sympathetic to the view of the black students."

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UNIVERSITY OF VIRGINIA WARNS ON DISORDERS

CHARLOTTESVILLE, VA., May 3.—A stern warning was issued today to students of the University of Virginia, threatening "immediate suspension" to those who ignore an order to disband unauthorized assemblies.

The warning came from University President Edgar F. Shannan Jr. in a statement printed in the Cavalier Daily, the student newspaper.

"At the University of Virginia, the rights of minorities, majorities and individuals are equally respected," the statement said. "This includes the right to dramatize opinions and buttress arguments by public display so long as the participants do not interfere with the rights of others."

The statement cited "recent demonstrations" and specifically the incidents at Columbia University, which "have disrupted the academic world . . . resulting in hardships to both students and faculty.

"University officials will not negotiate with such groups under conditions of duress such as unauthorized occupation of University property," the statement said.

A University spokesman denied that the statement was related to any indication of a planned demonstration.

Only one student group, the Martin Luther King Chaper of the Human Rights Council, has indicated any plans for organized dissent.

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[From the Washington Post, May 6, 1968]

POWELL SET TO MARCH WITH POOR

(By William N. Curry)

NEW YORK, N.Y., May 5.—The Rev. Adam Clayton Powell came home to Harlem today and told his people he would join the Poor People's March on Washington.

Preaching for an hour to an audience that filled his Abyssinian Baptist Church, the former Congressman said black men must "put on the armor of action" and act by participating in demonstrations and marches such as the Poor People's. Then in an aside, he added, "I'll be marching in that march."

Mr. Powell said later he would telephone the march leader, the Rev. Ralph Abernathy, to make arrangements for joining the march.

Charles 37X Kenyatta, Harlem's number one Mau-Mau, said he would join Mr. Powell at the march. Kenyatta sat in the pulpit as Mr. Powell talked.

A group of students from Columbia University lobbied at the press conference for a meeting with Mr. Powell. He pledged his time and health in their battle against the Columbia administration.

Mr. Powell picked up the theme he used here in late March during his last trip to Harlem. He spoke of a "revolution of the young against the establishment," and said: "There isn't anybody that can control what is going to happen in the United States this summer."

He re-emphasized that he foresees a youth revolution, not a black one, and cited recent disorders in the United States and Germany as examples.

Mr. Powell told newsmen he would return to New York in two weeks to continue his campaign for re-election in November.

RIOT AREAS GET EXTRA POLICE—ACTION BY MURPHY FOLLOWS COMPLAINTS

(By Paul Delaney)

The District's public safety director announced last night increased police patrols in areas of the city where arson has continued since last month's disorders.

Patrick V. Murphy said the added police patrols are being made in "selected areas" with the approval of Mayor Walter E. Washington. In some of these areas, especially 7th Street NW, businessmen also have complained of looting and harassment by gangs of youths.

Murphy said that more foot patrolmen and motor patrols are being assigned to these streets. He said police officers are being stationed inside some commercial firms and at other points, "with particular attention to be given those types of establishments where incidents have occurred. In some instances these officers would be in uniform and in other cases they would be in plain clothes."

Police officials earlier in the week ordered additional patrols activated within the special operations division. Murphy said the added patrols will continue to be on duty for the time being.

Murphy said that 57 fires have been reported since April 15, "which is above normal." He said the special arson investigations squad, set up during the riots, has continued its investigations of suspected arson cases and that 20 persons have been charged with various offenses related to arson incidents.

Murphy also advises businessmen to file complaints with police in cases of threats or extortion attempts. He said few such cases have been reported to police.

"Businessmen are urged to report promptly to police precincts or headquarters whenever they are the subject of any threat, and are further urged to provide the necessary cooperation," Murphy said.

The safety director explained that a period of turbulence usually follows a major riot.

"Police officials are aware that civil disorders are usually followed by a period of several weeks in which there is a heightened incidence of purposefully set fires," Murphy declared.

"The current increase in such incendiary fires in the District is in line with the post-disturbance in other cities where such disturbances have occurred. Many of these fires involved buildings that had previously been burned. They occurred primarily in areas that had been affected by the disturbance.

"The Metropolitan Police Department asks for the support of all residents and businessmen to help maintain law and order through their cooperation and prompt reporting of all incidents."

"The actions of the police department are being taken after full consultation with Mayor Walter E. Washington," Murphy said. "The mayor has reviewed these steps to strengthen law enforcement during this interim and fully endorses the actions being taken."

Earlier yesterday Murphy said police and prosecutors are making every effort to bring rioting charges against those already charged with looting in the disturbances last month.

"In conjunction with the U.S. attorney's office, we have fashioned a plan for bringing the appropriate charge relating to riot activity in every case where sufficient evidence exists," Murphy said.

Under a provision of the city's new omnibus crime bill, adopted by Congress earlier this year, either rioting or inciting to riot charges will be brought in appropriate cases "against persons already charged with looting," he said.

The congressional provision, Murphy said, has "proven to be most important." He noted that Police Chief John B. Layton has issued special orders covering the processing of these cases.

Murphy spoke at a promotional ceremony for 30 officials of the D.C. police department. Praising the department for its conduct during the rioting, he said its members "have proven themselves to be one of the finest and best disciplined police departments in the country."

He noted that in prosecuting, "we are dedicated to using to the fullest extent" the antirioting law.

"It is our determination to use the law to the fullest extent—and this determination is irrefutable evidence of our resolve that lawlessness will not be tolerated," Murphy said.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 391. An act to amend the act of March 1, 1933 (47 Stat. 1418), entitled "An act to permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes";

S. 528. An act to place in trust status certain lands on the Wind River Indian Reservation in Wyoming;

S. 1173. An act to convey certain federally owned lands to the Cheyenne and Arapaho Tribes of Oklahoma;

S. 1946. An act to amend the repayment contract with the Foss Reservoir Master Conservancy District, and for other purposes; and

S. 2531. An act to designate the San Gabriel Wilderness, Angeles National Forest, in the State of California.

The message also announced that the House has disagreed to the amendments of the Senate to the bill (H.R. 12639) to remove certain limitations on ocean cruises; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. DOWNING, Mr. MURPHY of New York, Mr. MAILLIARD, and Mr. PELLY were appointed managers on the part of the House at the conference.

## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. TYDINGS. Mr. President, last Friday I spoke at some length on the historical development of the right against self-incrimination in Anglo-American jurisprudence. The purpose of this historical review was not academic. It was to place in perspective the far-reaching implications of the provisions of title II of S. 917, which is now pending before the Senate.

I strongly believe that the adoption of title II would do nothing in the war against crime, nothing to assist law-enforcement officers; and I strongly believe that adoption of title II would begin the unraveling of the precious liberties which our ancestors fought and died for. The abolition of the writ of habeas corpus for Federal review of State criminal cases; the arbitrary carving of the appellate jurisdiction of the Supreme Court, with the clear motive of overruling specific court decisions such as Marbury against Madison and Martin against Hunter's Lessee; the blatant attempt to amend the Constitution by a simple legislative enactment—all of these provisions are fundamentally inconsistent with the roots of our tradition of respect for individual liberty, and reliance on an independent judiciary to protect our liberties.

Mr. President, because the provisions of title II fly in the face of the Constitution, I believe that its approval by the Congress would gravely harm law enforcement.

Particularly in these times of widespread lawlessness, I believe the Senate must demonstrate to the American people that we are a nation of laws and that, if changes are needed in the Constitution—the fundamental law of the land—these changes will be made only through the clearly accepted amending procedures set out in the Constitution, not simply by flouting that great document, the Constitution, as title II would do.

Today I shall discuss those specific provisions of title II which are intended directly to overrule the Supreme Court decisions in the Miranda and Mallory cases. Tomorrow I intend to focus on the attempt, in other provisions of title II, to accomplish the same result by depriving the Supreme Court and the lower Federal courts of any jurisdiction to consider these questions.

It is important to recognize that the Supreme Court decisions regarding constitutional rights of suspects under police interrogation did not spring into the minds of the Justices of the Court overnight. They were, quite the contrary, the product of long experience—both in the development of the right against self-incrimination as I discussed it last Friday and then in a shocking series of cases from State courts, in which the highest court of particular States admitted confessions on the ground that these were obtained "voluntarily." The experience of these cases indicated conclusively—and indicates today—that both Federal court review of State cases admitting confessions is a vital necessity and that the vague "voluntariness" standard proposed by title II is unworkable and inadequate effectively to protect the rights of citizens.

The first case which came to the Supreme Court of the United States, in which the due-process clause was used to strike down a confession which was evidently sufficiently voluntary to meet State court interpretations of the privilege was Brown against Mississippi in 1935. Of course, if title II were to be adopted today, the Supreme Court could not review a case with the same facts as Brown against Mississippi. In that case, aside from the confessions, there was no evidence sufficient to even warrant submission of the case to the jury. In the case of Brown against Mississippi, there was no dispute as to the facts surrounding the defendant's confessions. Indeed, Supreme Court Justice Charles Evans Hughes took the following summary of the facts directly from the dissenting opinion of the Supreme Court of the State of Mississippi and I am going to read it into the RECORD:

The crime with which these defendants, all ignorant Negroes, are charged was discovered about one o'clock p.m. on Friday, March 30, 1934. On that night one Dial, a deputy sheriff, accompanied by others, came to the home of Ellington, one of the defendants, and requested him to accompany them to the house of the deceased, and there a number of white men were gathered, who began to accuse the defendant of the crime. Upon his denial they seized him, and with the participation of the deputy they hanged him by a rope to the limb of a tree, and having let him down, they hung him again, and when he was let down the second time, and he still protested his innocence, he was tied to a tree and whipped, and still declining to accede to the demands that he confess, he was finally released and he returned with some difficulty to his home, suffering intense pain and agony. The record of the testimony shows that the signs of the rope on his neck were plainly visible during the so-called trial. A day or two thereafter the said deputy, accompanied by another, returned to the home of the said defendant and arrested him, and departed with the prisoner towards the jail in an adjoining county, but went by a route which led into the State of Alabama; and while on the way, in that State, the deputy stopped and again severely whipped the defendant, declaring that he would continue the whipping until he confessed, and the defendant then agreed to confess to such a statement as the deputy would dictate, and he did so, after which he was delivered to jail.

The other two defendants, Ed Brown and Henry Shields, were also arrested and taken to the same jail. On Sunday night, April 1, 1934, the same deputy, accompanied by a number of white men, one of whom was also an officer, and by the jailer, came to the jail, and the two last named defendants were made to strip and they were laid over chairs and their backs were cut to pieces with a leather strap with buckles on it, and they were likewise made by the said deputy definitely to understand that the whipping would be continued unless and until they confessed, and not only confessed, but confessed in every matter of detail as demanded by those present; and in this manner the defendants confessed the crime, and as the whippings progressed and were repeated, they changed or adjusted their confession in all particulars of detail so as to conform to the demands of their torturers. When the confessions had been obtained in the exact form and contents as desired by the mob, they left with the parting admonition and warning that, if the defendants changed their story at any time in any respect from that last stated, the perpetrators of the outrage would administer the same or equally effective treatment.

Further details of the brutal treatment to which these helpless prisoners were subjected need not be pursued. It is sufficient to say that in pertinent respects the transcript reads more like pages torn from some medieval account, than a record made within the confines of a modern civilization which aspires to an enlightened constitutional government.

All this having been accomplished, on the next day, that is, on Monday, April 2, when the defendants had been given time to recuperate somewhat from the tortures to which they had been subjected, the two sheriffs, one of the county where the crime was committed, and the other of the county of the jail in which the prisoners were confined, came to the jail, accompanied by eight other persons, some of them deputies, there to hear the free and voluntary confession of these miserable and abject defendants. The sheriff of the county of the crime admitted that he had heard of the whipping, but

averred that he had no personal knowledge of it. He admitted that one of the defendants, when brought before him to confess, was limping and did not sit down, and that this particular defendant then and there stated that he had been strapped so severely that he could not sit down, and as already stated, the signs of the rope on the neck of another of the defendants were plainly visible to all. Nevertheless the solemn farce of hearing the free and voluntary confessions was gone through with, and these two sheriffs and one other person then present were the three witnesses used in court to establish the so-called confessions, which were received by the court and admitted in evidence over the objections of the defendants duly entered of record as each of the said three witnesses delivered their alleged testimony. There was thus enough before the court when these confessions were first offered to make known to the court that they were not, beyond all reasonable doubt, free and voluntary; and the failure of the court then to exclude the confessions is sufficient to reverse the judgment, under every rule of procedure that has heretofore been prescribed, and hence it was not necessary subsequently to renew the objections by motion or otherwise.

The spurious confessions having been obtained—and the farce last mentioned having been gone through with on Monday, April 2d—the court, then in session, on the following day, Tuesday, April 3, 1934, ordered the grand jury to reassemble on the succeeding day, April 4, 1934, at nine o'clock, and on the morning of the day last mentioned the grand jury returned an indictment against the defendants for murder. Late that afternoon the defendants were brought from the jail in the adjoining county and arraigned, when one or more of them offered to plead guilty, which the court declined to accept, and, upon inquiry whether they had or desired counsel, they stated that they had none, and did not suppose that counsel could be of any assistance to them. The court thereupon appointed counsel, and set the case for trial for the following morning at nine o'clock, and the defendants were returned to the jail in the adjoining county about thirty miles away.

The defendants were brought to the courthouse of the county on the following morning, April 5th, and the so-called trial was opened, and was concluded on the next day, April 6, 1934, and resulted in a pretended conviction with death sentences. The evidence upon which the conviction was obtained was the so-called confessions. Without this evidence a preemptory instruction to find for the defendants would have been inescapable. The defendants were put on the stand, and by their testimony the facts and the details thereof as to the manner by which the confessions were extorted from them were fully developed, and it is further disclosed by the record that the same deputy, Dial, under whose guiding hand and active participation the tortures to coerce the confessions were administered, was actively in the performance of the supposed duties of a court deputy in the courthouse and in the presence of the prisoners during what is denominated, in complimentary terms, the trial of these defendants. This deputy was put on the stand by the state in rebuttal, and admitted the whippings. It is interesting to note that in his testimony with reference to the whipping of the defendant Ellington, and in response to the inquiry as to how severely he was whipped, the deputy stated, "Not too much for a Negro; not as much as I would have done if it were left to me." Two others who had participated in these whippings were introduced and admitted it—not a single witness was introduced who denied it. The facts are not only undisputed, they are admitted, and admitted to have been done by officers of the state, in conjunction with other participants, and all this was definitely well known to everybody connected with the trial, and during the trial, including the state's prosecuting attorney and the trial judge presiding.

The facts of this case speak with unmatched eloquence against the enactment of title II. It is true that many of the subsequent cases brought to the Court did not involve such atrocious official conduct, although accusations of similar conduct were made. In reviewing the voluntariness of State court confessions, the Supreme Court has always limited itself to considering the undisputed facts on the record—that is, the facts about which there is no conflict in the testimony. Accordingly, ever since the Brown decision, State prosecutors have made certain there was testimony denying the use of torture. Because the questioning in these cases was always conducted in private, without the presence of any friend, attorney, or relative of the accused, there was an inevitable conflict in the testimony. It was this problem that the guidelines laid down by the Court in Miranda and Mallory were adopted to cure. They were designed as procedural safeguards to prevent the kind of questioning that occurred in Brown against Mississippi. After hearing the facts of the Brown case, it is incumbent upon every Member of this distinguished body to search his conscience before abolishing those minimal safeguards established by the Supreme Court in Miranda.

In 1942 the Supreme Court heard another case coming from the highest court of a State.

In Ward against Texas, law-enforcement officers, acting contrary to State law, arrested the defendant, an ignorant Negro, for murder without a warrant. The undisputed evidence shows that the signing of the confession was preceded by the following events:

The defendant was arrested on June 25, a Sunday, and was taken, along with several other Negroes, to the courthouse for questioning. During the examination he was slapped by a constable. Having no justification for holding defendant, the county attorney, at the request of Judge Caldwell, defendant's employer, released him and allowed him to return home. Thereafter, on Sunday and Monday, he was questioned several times by officers and reasserted his innocence. According to the county attorney, there was no evidence on Tuesday night to justify the arrest of petitioner. Nevertheless, that night, defendant was called outside from a church party he was attending, handcuffed, and taken into custody by the sheriff of an adjoining county. The sheriff was not accompanied by any officer of the county in which the crime was committed or defendant resided. He took defendant and another Negro in his car and drove them out of the city to Hart's Creek, where he had arranged to meet Constable Redfearn, of Titus County, defendant's residence. The officers then transported defendant and the other Negro to an adjoining county, then to Pittsburgh in Camp County, and then to Gilmer in Upshur County, where defendant spent the night in jail. On Wednesday night he was taken back to jail in Pittsburgh. Constable Redfearn visited him from time to time, and on Thursday morning took him to Tyler in Smith County, where Redfearn placed him in the custody of two highway patrolmen, advising them of the details of the crime.

About 30 minutes later, the patrolmen carried petitioner to Athens, in Henderson County, and turned him over to Sheriff Sweeten. Athens is 110 miles from Mount Pleasant. During this time, defendant was questioned continuously. After Sheriff Sweeten had talked to defendant, he signed a confession before the county attorney. All the officers involved asserted that defendant had not been mistreated, with the exception of the slap by Redfearn. The defendant contended that he was beaten, whipped, and burned by Sheriff Sweeten just before the confession was made. Of the several officers who examined defendant's body for bruises or burns, only the sheriff of Titus County corroborated defendant's testimony. He testified that when the defendant was returned to the Gilmer jail, several days after his "confession":

> I saw some marks on his neck and shoulders and arms that appeared to be cigarette stub burns. Yes, sir, they were fresh. There were several of them on his body.

On this evidence, the Texas court of criminal appeals in its final opinion decided that there was a conflict of evidence with respect to the beating, whipping, and burning of the defendant and that the issue of admissibility had been properly submitted to the jury with appropriate instructions. Accordingly, defendant's conviction was affirmed.

This case illustrates quite well the importance of immediate arraignment of accused persons so that they can be advised of their rights and the importance of having counsel present at the questioning of the accused. Under title II before us the standard for determining whether defendant's confession is admissible is whether it is voluntary. Does the defendant have any reasonable opportunity of establishing the involuntariness if he has no attorney or other witness present during these periods of questioning? Of course not. Title II in effect says: "Not only do we overrule the Supreme Court of the United States in the case just cited; the sole test shall be the voluntariness of the confession, but the defendant shall not be allowed to call any witnesses to testify against his inquisitors."

Another similar case was Ashcraft against Tennessee, which also went to the Supreme Court of the United States. Several weeks after the murder of his wife, defendant Ashcraft was arrested and accused of being an accessory before the fact. The undisputed evidence in the case was that—

> The officers took him to an office or room on the northwest corner of the Shelby County jail. It appears that the officers placed Ashcraft at a table in this room . . . with a light over his head and began to quiz him. They questioned him in relays until the following Monday morning, around nine-thirty or ten o'clock. It appears that Ashcraft from Saturday evening at seven o'clock until Monday morning at approximately nine-thirty never left the homicide room on the fifth floor—

During this period he was given no rest—

One officer did say that he gave the suspect a single five minutes respite, but except for this five minutes the procedure consisted of one continuous stream of questions.

The man was questioned for 36 hours with only one 5-minute break. Again, there was a conflict in the testimony as to whether the defendant was threatened or abused. This procedure was in violation of Tennessee law. If officials are this willing to violate the laws of their own State, is there any doubt that in the absence of Supreme Court review they will show an equal disdain for Federal rights? Certainly, this and other cases demonstrate that the State courts cannot be uniformly relied upon to vindicate fundamental Federal rights.

The inadequacy of State "voluntary" tests is further illustrated by Harris against South Carolina, a case which also went to the Supreme Court of the United States.

Mr. President, all of these cases involved facts where, while the highest court of the State involved said that the confessions were voluntary, the undisputed facts before the Court showed that they were obviously not. The defendants were coerced, they were beaten, they were tortured; and, of course, title II would prevent the review of such court decisions by the U.S. Supreme Court.

In Harris against South Carolina, decided in 1949, the defendant, suspected of murder in South Carolina, was arrested on Friday in Tennessee and taken to South Carolina on Monday. The South Carolina sheriff had obtained a warrant for his arrest for the theft of a pistol, but the warrant was not read to him nor was he otherwise informed of the charge against him. On Monday night the questioning began in earnest. At least five officers worked in relays, relieving each other from time to time to permit respite from the stifling heat of the small cubicle in which the interrogation was conducted. Throughout the evening the petitioner denied he had killed the deceased. On Tuesday the question began again at 1:30 in the afternoon and continued until past 1 the following morning. On Wednesday afternoon the chief of the State constabulary, with half a dozen of his men, questioned the defendant for about an hour, and the local authorities carried on the interrogation for 3½ hours longer.

Later that evening, the sheriff advised the defendant, an illiterate Negro, that he would arrest defendant's mother on a charge of possessing stolen property. The defendant pleaded that his mother not be involved and thereupon stated the substance of what appears in the confession.

During this period defendant was denied access to counsel, family, or friends, and was not informed of his constitutional rights. The jury had been instructed that without the confession there was no evidence to support the charge and that they should consider the confession only if they found it was voluntary. The jury returned a verdict of guilty. The Supreme Court of South Carolina, after making a conscientious effort to measure the circumstances surrounding the confession concluded:

The confession was not . . . tainted.

Accordingly, they refused to find it had been the result of coercion and thus involuntary.

This case, perhaps more than any other, illustrates that the repeal of the Supreme Court's jurisdiction over confessions in State court proceedings can only result in chaos. There will be 50 different State definitions, Mr. President, of what constitutes the definition of the term "voluntary"; and no court could provide any guidelines which would bind any other court.

Such gross inconsistency in the application of Federal constitutional rights can only breed disrespect for the law, the courts, and our entire system of government.

I am sure the Supreme Court thought long and hard, in 1935, when Brown against Mississippi was heard. But can there be any doubt that they should have reviewed that case? Those poor defendants, tortured, beaten, hung from a tree twice, before they confessed, and then tried the next day, with a mob around the courthouse? Mr. President, if we adopt title II, and set aside the basic constitutional law, or attempt to do so, by statute, we disregard the wisdom of the decisions of the Supreme Court handed down decade after decade. Such action by the Congress can only generate cynicism among the people, invite lawlessness, and make a mockery of the "rule of law" in America.

Numerous additional cases could be cited: see for example, Watts against Indiana, another case decided in 1949, where defendant was held for 5 days, the first 2 of which were spent in solitary confinement cell known as the hole and interrogated by relays of six to eight officers. The Indiana Supreme Court affirmed petitioners conviction notwithstanding the illegality of his detention under Indiana law. The Supreme Court, on the basis of the undisputed facts, found the confession to be involuntary. In Turner against Pennsylvania, in 1949—incidentally, Mr. President, all these cases were cases which went to the Supreme Court of the United States, where the Supreme Court found, under the facts as I have related them, obvious abuse of the "voluntary" standard—the same type of abuse, by coerced confessions, that existed during the Inquisition in the 11th and 12th centuries; and in each case the Supreme Court was able to overturn the conviction.

Now, by title II, we seek to turn back the clock and go back to the system our forefathers fought for centuries, to prevent the forcing of confessions and the conviction of individuals on coerced evidence.

In the Turner case, the defendant was held for 5 days without the aid of counsel, friends, or advice as to his constitutional rights. The district attorney candidly admitted that a hearing before a magistrate was withheld until interrogation had produced a confession. Defendant was questioned for 5 days and finally "confessed." The judge left the question of voluntariness to the jury, which returned a verdict of guilty and recommended the death sentence. Although the procedure was illegal under Pennsylvania law, the Pennsylvania Supreme Court affirmed. The U.S. Supreme Court, on the basis of undisputed facts, held the confession was involuntary and reversed.

They could not have done that if title II were on the books, Mr. President. That man would have been executed.

In Lynum against Illinois, in 1963, the defendant was convicted of unlawful possession and sale of marihuana after being "set up" by the police. The police officers threatened that if she did not cooperate she would be deprived of State financial aid for her dependent children, and her children would be taken from her and she would never see them again. Moreover, the police convinced her that if she cooperated she might be let off very lightly. She "confessed." Her conviction was sustained by the Illinois Supreme Court. The U.S. Supreme Court reversed. In Blackburn against Alabama, in 1960, the defendant had been discharged from the Armed Forces during World War II because of a permanent mental disability. During an unauthorized absence from the veterans hospital, where he had been classified as 100 percent incompetent, he was arrested on a charge of robbery. After 8 or 9 hours of sustained interrogation in a small room, at times filled with police officers, he signed a confession written for him by the deputy sheriff. Shortly thereafter he was found insane and committed to a State mental hospital. Four years later he was declared mentally competent to stand trial. With the use of his earlier confession he was convicted. On the basis of the undisputed facts the U.S. Supreme Court found that there was the strongest probability that defendant was insane at the time he signed the confession. Accordingly, the Court reversed the conviction.

In the 25 years that followed the decision of Brown against Mississippi the Supreme Court set aside State court convictions on coerced confession grounds on 22 occasions involving 26 defendants. Although this number seems small it seems certain that there were a good many more that never reached the Court for a variety of reasons. Nor is there any likelihood that the large number of cases where suspects who were brutally questioned, but never confessed and accordingly whose cases never went to trial, will ever be found in the law reports. That third-degree practices were common is confirmed by the extensive factual studies undertaken in the 1930's, including the famous Wickersham report to Congress by a Presidential Commission. Moreover, the most recent study indicates that there is still much evidence that—

Some policemen still resort to physical force to obtain confessions. (1961 Comm'n on Civil Rights Rep., Justice, pt. 5, 17.)

As recently as 1964 a shocking case that never found its way into the law reports was brought to light in New York. A young Negro was arrested. After incessant questioning—including leading questions by the police to provide the accused with details of the crime—the

young man confessed to two notoriously brutal murders and a rape. The accused was arraigned for trial. It seems certain he would have been convicted. He was saved only by the fortuitous arrest of the guilty party. The true perpetrator of these dastardly crimes had been arrested in connection with other crimes, but was immediately linked to the double murder and rape. In short, the police had extracted by their methods of secret interrogation a wholly false confession.

That is what we are talking about. We are talking about the constitutional safeguards to protect against tortured confessions. We are talking about the same rights that were fought for by our forebears in Great Britain and during the founding days of our own Republic. We are talking about the development of our own constitutional law.

Without the safeguards prescribed by the Supreme Court in Miranda against Arizona, we can never be sure that improper methods of interrogation are not being used. We can never be sure that the innocent are not being abused and in some cases convicted. All this would be tossed aside by the proponents of title II. Will the Senate allow it? I strongly hope that the Senate does not permit it.

THE ATTEMPT TO REPEAL MIRANDA AND MALLORY

What I have just related to you is the background against which the Miranda case was decided. I do not think the strongest proponent of title II can dispute that it is the law of the land that a man should not unwillingly be convicted out of his own mouth. The Supreme Court, for 30 years tried to protect this ancient and sacred right of Anglo-American jurisprudence by the rule that confessions must be voluntary. Their experience with the voluntariness test was totally unsatisfactory. When the accused is taken into custody, held incommunicado for long periods of time without the benefit of counsel, and without being permitted to see his family or friends, it is virtually impossible for him to establish police abuse or that there has been a tortured confession. It is also virtually impossible for him to establish whether he was advised of his constitutional rights.

The rules of procedure set down in Miranda were designed to meet this need. Exclusion of the confession was the only remedy available to the Court. The Miranda case requires—

The defendant must be advised that he has a right to remain silent and that anything he says may be used against him.

The defendant must be advised that he has the right to consult with a lawyer and to have the lawyer present during his interrogation.

The defendant must be advised that if he cannot afford a lawyer, a lawyer will be appointed for him by the court.

No civilized man can seriously suggest that anything less than these procedural requirements is adequate to protect what I presume we all acknowledge to be the longstanding constitutional rights of the accused. On the basis of the experience of the Supreme Court with the much more flexible voluntary standard, no reasonable man can seriously suggest that the repeal of the Supreme Court's jurisdiction to review the admissibility of a confession in State court proceedings is anything less than an open invitation to the State court judges to ignore the Miranda safeguards.

It will be intrepreted as such. We know that if title II is adopted, each State court can do what it will on the issue of voluntariness. I hope that no State supreme court will come to the same conclusions as the State courts did in Brown against Mississippi or any of the other cases I have just enumerated. However, we have no assurance that they will not do so.

Certainly we have had only 22 cases that have actually reached the Supreme Court for review. However, we know that when a State high court realizes that it can be reviewed, the attention it accords to the constitutional rights of an individual will be much more exact.

When we remove this protection from the individual, we trample on the constitutional rights which are basic to this Nation. I think that if we do so, with no public hearings on title II, no opportunity for the lawyers or law professors of the Nation to be heard in public on the matter, we will be in serious error.

With regard to Federal proceedings, there is a similar attempt to repeal Miranda and Mallory and to limit jurisdictional review. The provisions of section 3501 of title II is an attempt to destroy the important safeguards erected in the Miranda and Mallory decisions. By making voluntariness the sole test, title II can only lead to chaos and confusion and place a huge additional burden on the Supreme Court of the United States. Voluntariness was the sole test in Brown against Mississippi. According to the provisions of subsections (a) and (b) of section 3501, the procedure in Federal courts will be as follows:

A preliminary determination of voluntariness of confession will be made by the trial judge, outside the presence of the jury.

In making his preliminary determination the trial judge will be required to consider all the circumstances surrounding the confession, including the following specified factors, none of which is to be conclusive on the issue of voluntariness:

First. Delay between arrest and arraignment. The delay could be 2 months, and it would not be conclusive as to voluntariness.

Second. Whether defendant knew the nature of the offense.

Third. Whether the defendant was aware or advised of his right to silence or that anything he said might be used against him.

Fourth. Whether the defendant was advised of his right to counsel.

Fifth. Whether the defendant had the assistance of counsel during the interrogation.

If the trial judge makes a preliminary determination that a confession was voluntary, he must admit the confession in evidence. The jury may then hear the relevant evidence on the issue of voluntariness and determine the weight to be accorded the confession.

The greatest sin of these provisions is that they are worthless to protect the rights of the accused. They are a cruel hoax aimed at creating the illusion of a constitutional right, without providing the right. At best they provide substance to that right only in the unusual case when a policeman present during interrogation of the accused decides to testify against his fellow officers. Without the presence of an attorney or other friend, the accused has no realistic opportunity to rebut exculpatory police testimony.

Moreover, the title II test is a great disservice to the police. The law enforcement officer today is called upon to do many things.

But, under title II, he will always be uncertain what he may do and may not do. The legality of his conduct will depend on what some unknown judge and jury may eventually decide. Finally, the failure to provide clear and easy to follow procedures for proper police conduct will multiply the opportunities for unfair and unfounded charges of illegal police conduct and unfair and unfounded charges of police brutality.

The Supreme Court made it quite clear in its Miranda opinion that its holding was firmly grounded in the Constitution. In both the briefs and oral arguments, the Court was expressly requested to withhold decision until legislative bodies acted upon the issue. The Court replied:

> Congress and the States are free to develop their own safeguards for the privilege, so long as they are fully as effective as those described [in the Court's holding] in informing accused persons of their right of silence and in affording a continuous opportunity to exercise it In any event, however, the issues presented are of constitutional dimensions and must be determined by the courts. The admissibility of a statement in the face of a claim that it was obtained in violation of the defendant's constitutional rights is an issue the resolution of which has long since been undertaken by this Court. . . . Judicial solution to problems of constitutional dimension have evolved decade by decade. As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when *Escobedo* was before us and it is our responsibility today. *Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.* (Italic added.) 384 U.S., at 490–491.

The Court's invitation in Miranda for legislatures to adopt "other fully effective means" to protect suspects in the free exercise of their constitutional rights cannot be used as a justification for the provisions now found in title II. As just stated, the provisions of title II dilute so substantially the safeguards for these rights as to constitute an abridgment of the right. The means provided in title II are manifestly less effective than the safeguards prescribed in Miranda.

MIRANDA AND MALLORY IMPOSE NO UNDUE BURDEN ON EFFECTIVE LAW ENFORCEMENT

Certainly, all men would agree that a good many more people would be convicted of crimes if, every time a crime was committed, the sole function of the police was to go upon the street, grab the first man who came along, and prompt him to confess. But convictions alone are not what we seek, we seek only to convict the guilty. Long ago, our Founding Fathers enshrined in the Bill of

Rights the ancient maxim, Nemo tenetur seipsum accusare. In the words, as we subscribe, of the fifth amendment, no person "shall be compelled in any criminal case to be a witness against himself." This principle lies at the very heart of the Anglo-American accusatory system of criminal justice. It represents our belief that individual dignity and individual freedom are important in our system. It represents a belief that the State must produce evidence against an individual by its own independent labors, rather than by the cruel, though simple—very simple—expedient of compelling it from his own mouth. As Sir James Fitzjames Stephen commented almost a century ago:

> There is a great deal of laziness in it. It is far pleasanter to sit comfortably in the shade rubbing red pepper in the poor devil's eyes than to go about in the sun hunting up evidence.

Forty years ago, Justice Brandeis forcefully answered the recurrent argument that the needs of law enforcement outweigh the rights of the individual. In Olmstead against United States, he said:

> Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means . . . would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face." 277 U.S. 438, 485 (1928) (dissenting opinion).

This decision was written by Justice Brandeis the same year the present occupant of the chair [Mr. SPONG] and I were born, and it is still the law of the land.

That the protections provided by the Miranda case will not hamper law enforcement is amply demonstrated by the fact that these protections are already made available to criminal suspects by the Federal Bureau of Investigation. Over the years the FBI has compiled an exemplary record of effective law enforcement while advising any suspect or arrested person, at the outset of an interview, that he is not required to make a statement, that any statement may be used against him in court, that he may secure the services of an attorney of his choice and, more recently, that he has a right to free counsel if he is unable to pay. In 1952, J. Edgar Hoover, Director of the FBI, stated:

> Law enforcement, however, in defeating the criminal must maintain inviolate the historic liberties of the individual. To turn back the criminal, yet, by so doing, destroy the dignity of the individual would be a hollow victory.
>
> We can have the Constitution, the best laws in the land, and the most honest reviews by courts—but unless the law enforcement profession is steeped in the democratic tradition, maintains the highest ethics, and makes its work a career of honor, civil liberties will continually—and without end—be violated. . . . The best protection of civil liberties is an alert, intelligent and honest law enforcement agency. There can be no alternative.

Mr. Hoover continued:

> Special Agents are taught that any suspect or arrested person, at the outset of an interview, must be advised that he is not required to make a statement and that any statement given can be used against him in court. Moreover, the individual must be informed that, if he desires, he may obtain the services of an attorney of his own choice.

Similar to FBI practices are those of the Armed Forces. The Uniform Code of Military Justice has long provided that no suspect may be interrogated without first being warned of his right of silence and that any statement may be used against him. Denial of the right to consult counsel during interrogation has also been prohibited by military tribunals. Surely the rights we make available to our Armed Forces should be equally available to the citizen of the United States.

We need not rely on speculation on the impact of the Miranda decision on effective law enforcement. There are two studies publicly available today and a third one, soon to be published in the Michigan Law Review, which assess the impact of Miranda on police practices and effectiveness in three separate parts of the Nation. One study was done at the Yale Law School, the second at Pittsburgh University Law School, and the third here in Washington at the Georgetown Law Center. Each of these studies approached the problem from a different perspective and each came to identical conclusions. All three agree that Miranda has changed almost nothing and that police are not really hampered in their activities by this decision.

Besides their conclusion, these three studies have other things in common. Each was done at a leading respected law school and under the direction of faculty members or legal scholars. Each was extensive and relied heavily on observation, interviews, and police records. Time, effort, and care went into these studies. Their conclusions are the best evidence available.

By far the largest and most extensive of these early scholarly studies is the one done at Yale. The researchers took the city of New Haven as their subject and arranged to be present at each and every interrogation that took place over a period of 3 months—a total of 118 questionings were observed. The conclusions reached can be expressed simply: nothing much has changed in New Haven since Miranda; interrogations play a limited role, in solving crimes; and, the Miranda warnings provide no real obstacle to successful interrogation.

Mr. President, I might add that when I served as U.S. attorney for the district of Maryland for a period of 3 years all law enforcement agencies under my direction, which included the Secret Service, the Bureau of Narcotics, the Federal Bureau of Investigation, Treasury agents, postal inspectors, and others, always advised defendants that they were not required to make a statement and that any statement they made could be used against them. The warning did not inhibit or limit our successful prosecution or the enforcement of law.

One of the most striking facts brought out in this study is the relatively small part interrogations play in successful criminal convictions.

The proponents of title II always stress the necessity for interrogation as a weapon in the police arsenal. One would think that many crimes are solved primarily through such successful interrogation. The Yale study discovered that 87 percent of the interrogations they observed were unnecessary, usually because sufficient independent evidence already existed that would insure conviction. When I say "unnecessary," I am saying unnecessary for use as evidence in a criminal trial. Again, I should point out that the observers saw only those cases where the police undertook an interrogation of the suspect. In many cases crimes are solved and suspects arrested without any interrogation being required. Yet where the police did interrogate, the observers concluded that the questioning was not necessary in almost nine out of 10 cases. How can one say that the Miranda warnings, even if they do as charged, encourage suspects to remain silent, are a real hindrance to the police when so often independent evidence exists that can insure conviction?

Now what about the effect of these Miranda warnings? Miranda requires the police to warn a suspect prior to questioning of his right to remain silent, that what he does say can be used against him, of his right to counsel and to court-appointed counsel if he is indigent. The proponents of title II would have us believe that when the police give these warnings the result is that suspects shut up tighter than clams and never talk—which, by the way, is their absolute constitutional right.

Well what does happen? What are the facts? First of all the Yale researchers found a good deal of reluctance on the part of the New Haven police to give the warnings, but this could be explained by the fact that the study was run just after Miranda and the police may have been unaware of the requirements of the decision. In fact as time went by the number and quality of the warnings did increase.

When warnings were given, the Yale report concluded that they did not reduce the amount of talking. When they compared a group who received no warnings at all with a group who received some of the required warnings they found this strange result of the unwarned group, one-third made a statement of some sort. Of the warned group, more than one-half of the suspects made a statement. This is psychological.

At the very least one can say that giving the warnings in New Haven was no deterrence to police interrogation. Again, I can state from my experience as the chief Federal law-enforcement officer in the State of Maryland for 3 years, that the giving of warnings for Federal law-enforcement agencies in Maryland was never a deterrent to the giving of statements by suspects or those accused, or in solving crimes. Certainly, the incidence of talking did not fall as more warnings were given, which is the result

that could be expected if Miranda's requirements hindered successful police interrogation.

The study also reported the subjective opinions of the observers as to when the warnings seemed to have an effect on the suspects. A discernible effect was found to exist in only 10 percent of the cases and in a good number of these incriminating statements resulted anyway.

The sponsors of title II would have us deprive suspects of the knowledge of their constitutional rights to help the police obtain successful interrogations. Results such as those I have outlined in the Yale study make the price to be paid for this limited interrogation success exorbitant to say the least, and might even result in fewer successful interrogations.

Before I go on to relate the findings of the Pittsburgh and Georgetown studies I think a word is in order about a second Yale report, one they called a postscript to their main study.

After the Pentagon demonstration last fall several FBI men arrived on the Yale campus to interrogate faculty and students, primarily at the divinity school, in an investigation of possible violations of Federal law. Some 21 persons were interrogated. Later these 21 were interviewed by the Yale Law School faculty.

All 21 of these suspects were intelligent, well-read individuals, almost everyone with at least one college degree. These men were found to be completely unaware of the significance of their rights even after the FBI agents gave them the exact Miranda warnings.

This postscript at Yale clearly indicates that the dangers allegedly inherent in the giving of the Miranda warnings are overrated. Even when a full warning is given it is still inadequate to assure an informed decision by an educated man as to whether to speak or to remain silent. Only when lawyers sit down with the suspect and carefully and clearly explain not only the person's constitutional rights but also their significance in terms of a later trial, does the exercise of such rights become meaningful.

Again, I repeat, no one, least of all the courts, advocates counsel to advise a suspect at all interrogations unless he requests it, but without that the Miranda warnings themselves seem to be of little hindrance to police interrogation. Title II would have us think otherwise.

The study done at Pittsburgh University Law School differed from the Yale survey in method but not in conclusion. Instead of relying on observations of actual police interrogations, the Pittsburgh researchers relied on Pittsburgh Police Bureau case files and made comparisons between results achieved before Miranda and those achieved after Miranda. The basic conclusion reached was that Miranda has not impaired the police to any significant extent.

The first finding made in Pittsburgh seems on the surface to support the views of the proponents of title II. The rate at which confessions are being obtained after Miranda went down by 17 percent when compared to the period just prior to the decision. Thus, unlike the Yale researchers, the Pittsburgh people did find that Miranda resulted in a decline in confession rate.

However, such a decline is not the key issue. Remember that the Yale people found interrogations to be unnecessary in 87 percent of the cases where it was undertaken. The really key question is whether there has been a related decline in conviction and crime clearance rates. These were the questions asked in the Pittsburgh study.

If confessions are required to gain convictions, then a decline in confession rate should forecast decline in conviction rate. This was not the case in Pittsburgh. While confession rate fell 17 percent in the period after Miranda, conviction rate remained constant.

Another finding of the Pittsburgh researchers concerned the necessity for confessions to hold suspects when they are brought before a court. They found 74 individual cases where suspects refused to talk. Yet when these same 74 suspects were taken before the court sufficient evidence was present for the court to hold 73 of them—all but one. Thus Pittsburgh's survey supports the Yale finding that confessions play a very limited role in crime solution. The sole thrust of title II is to the contrary and once again the evidence refutes that view.

The Pittsburgh research suspected that if confession rate falls but conviction rate does not, then perhaps the cases are being lost at the grand jury level. In other words is there a corresponding drop in indictments to match the loss of confessions? They found that the grand jury refused to indict in a little over 2 percent more cases after Miranda than before. So while indictments did drop, the drop was quite small and does not, in my opinion, justify enactment of legislation that curtails rights guaranteed under the Constitution even if such legislation were to be constitutional.

The Pittsburgh survey also looked into crime clearance rate. A case in Pittsburgh is deemed cleared once the police apprehend those they deem responsible for the crime whether or not they are even convicted. Proponents of legislation like title II often contend that confessions are needed to clear other crimes. The figures in Pittsburgh with its 17 percent decline in confessions refute that contention. When the period after Miranda is compared with the period before Miranda, there is hardly any difference in the clearance rate.

An effort was also made in Pittsburgh to study what effect Miranda had on court backlog. If Miranda has a limiting effect, the number of cases cleared by guilty pleas should decrease and thus court backlog should rise. The percentage of guilty pleas rose over 5 percent after Miranda. If there was a limiting effect due to Miranda that rate should have declined, not increased.

So once more a sober and extensive study refutes the position taken by the supporters of title II. While confession rate did fall in Pittsburgh, the other indicators of Miranda's effect—conviction rate, indictment rate, clearance rate and court backlog—all of them show either no corresponding effect or a very limited effect at most.

The third and final study I wish to bring to the Senate's attention is one done here in Washington by the Georgetown University Law Center. They affirm once again that little has changed, this time in the Nation's Capital, since Miranda became law.

The Georgetown project had a totally different method of exploration than either Yale or Pittsburgh, but the results again are similar. This project examined the records of a year-long project run by the Junior Bar Association and the United Planning Organization to provide legal representation for suspects at the precinct stationhouses. Thus this study concerned itself mostly with Miranda's effect on the functions and role of defense counsel as well as on the defendant's understanding of his constitutional rights. The survey covered the records of over 1,000 telephone requests for attorneys as well as interviews with several hundred attorneys and defendants.

During the full year of the project over 15,000 persons were arrested in the District of Columbia, yet only 7 percent of them requested the assistance of counsel even though it was available 7 days a week and 24 hours a day. It would seem that even if a defendant receives warnings he remains somewhat unlikely to seek the aid of counsel even when it is most accessible to him.

The rate at which statements were given to the police remained fairly constant for both the period before Miranda and after Miranda. Thus once again there is doubt cast on whether Miranda hinders the police in obtaining statements from suspects.

Georgetown reported that 41 percent of those who understood their right to silence did not, in fact, remain silent. Most of these suspects gave reasons like distrust of police-provided attorneys or preoccupation with matters like making bond or contacting their families for making statements.

I have gone on at length about these three studies because I think they show that much of the rationale behind title II is nothing but myth. Here are in depth studies by respected law schools that cover three separate cities of varying size and crime rates and problems. Yet for each city the finding is the same, nothing much has changed since Miranda.

These studies also point up the crucial defect in many of the reports and studies relied on by the proponents of title II. It is just not enough to gage Miranda's impact on law enforcement by the single measure of the incidence of statements obtained. The real impact can only be determined by examining the effect on conviction rates, indictments, and crime clearance. The only studies that have gone into those elements are unanimous in their findings that the much ballyhooed detrimental impact of Miranda is nothing more than a myth. It is a myth that has gone on unexposed far too long.

The myth is such that the Senate now debates a bill to roll back Supreme Court decisions in order to remedy these mythical problems.

I submit that the myth is not that Miranda hinders law enforcement, it has been shown not to have that effect. Rather the myth is that the police need

confessions to solve crimes. The studies I have related here today expose that myth. Far more often than not confessions are used to nail down already solved cases; they are rarely needed. Even when needed, Miranda warnings hardly have acted as effective deterrents.

Indeed, Miranda itself and its three companion cases present graphic examples of the exaggeration of the "need" for confessions. In each case, law enforcement officers had developed substantial other evidence against the defendants before conducting the interrogations held invalid by the Supreme Court. Thus, Miranda, Vignera, and Westover had been identified by eyewitnesses. Marked bills from the robbed bank had been found in Westover's car. Articles stolen from several robbery victims had been found in Stewart's home.

The exaggeration of the "need" for confessions is further illustrated by the subsequent history of the four Miranda defendants. Miranda himself was convicted in Arizona in February 1967 on the same two counts of kidnapping and rape with which he was originally charged, and received the same sentence of concurrent terms of 20 to 30 years on each count, without the illegal confession. Vignera pleaded guilty in New York to an indictment charging a lesser robbery offense, and was sentenced to a prison term of 7½ to 10 years. Westover was convicted in February 1967 on the same two counts of bank robbery, and received the same sentence of consecutive 15-year prison terms on each count. Stewart has not yet been retried on the original charges of robbery and murder, for which he had been previously convicted and sentenced to death. However, a motion to suppress evidence in the case was denied in November 1967; after several continuances the trial has been set for this month.

Thus, there is no evidence in the four Miranda cases that the decision of the Supreme Court has fostered less effective law enforcement. Nor is there any justification for the many extreme statements suggesting that all admissions will be excluded. See for example: *O'Toole* v. *Scarfati*, 386 F. 2d 168 (1st Cir. 1967), statement to prosecutor by city official given chance to explain deficiencies held admissible; *United States* v. *Adler*, 380 F. 2d 917 (2d Cir. 1967), volunteered statements to FBI agent examining books of suspect's corporation held admissible; *United States* v. *Gibson* (4th Cir.)—our circuit—March 1, 1968, discussion of stolen car by defendant after State police officer asked him to step outside held admissible; *Yates* v. *United States*, 384 F. 2d 586 (5th Cir. 1968), statements made to hotel manager holding suspect in conversation pending arrival of FBI held admissible; *United States* v. *Agy*, 375 F. 2d 94 (6th Cir. 1967), incriminating reply to question asked by alcohol tax agent held admissible; *United States* v. *Holmes*, 387 F. 2d 781 (7th Cir. 1968), statement to Selective Service clerk held admissible; *Frohmann* v. *United States*, 380 F. 2d 832 (8th Cir. 1967), statement to internal revenue agent making criminal investigation held admissible; *Williams* v. *United States*, 381 F. 2d 20 (9th Cir. 1967), false statements to border-crossing guards held admissible; *Mares* v. *United States*, 383 F. 2d 811 (10th Cir. 1967), statement to FBI by suspect free to leave held admissible; *Allen* v. *United States* (D.C. Cir.) January 25, 1968, statement made during detention after failure to produce auto registration held admissible.

The evidence that Miranda and Mallory have not and will not have any significant adverse impact on effective law enforcement is absolutely overwhelming. To be sure, there may be some arguments to support the view that prolonged, secret, incommunicado interrogation may make the policeman's job easier. But the balance between the right of the individual to remain silent and the collective right of the State was struck long ago with the adoption of the fifth and 14th amendments to the U.S. Constitution. The embodiment of these rights in our fundamental law was the result of several hundred years experience with the inquisitorial approach to criminal jurisprudence. The Senate ought not cast the Constitution aside.

EYEWITNESS TESTIMONY—THE REPEAL OF WADE

For the same reasons enumerated in my earlier discussion of confessions, the provisions of title II overruling United States against Wade and its progeny is unconstitutional. Section 3503 is in direct conflict with the decisions in United States against Wade, Gilbert against California, and Stovall against Denno. In Wade and Gilbert, the Supreme Court held that a pretrial lineup at which a defendant is exhibited to an identifying witness is a critical stage of a criminal prosecution and the accused must be accorded due process of law; to insure this result he is entitled to the presence and assistance of counsel. The presence of counsel during lineups was found to be a safeguard necessary to insure that the accused was accorded due process of law as required by the fifth and 14th amendments to the U.S. Constitution.

In Stovall, the Court held that, even though the Wade decisions was not to be applied retroactively, lineups in pending cases must meet due process requirements. Decisions like Stovall indicate, contrary to the suggestions of the proponents of title II, that the Supreme Court is in fact highly sensitive to the problems and needs of law enforcement.

Title II, by providing that eyewitness testimony shall be admissible regardless of the underlying circumstances, if enacted, will put the U.S. Senate on record for the proposition that the criminally accused are not entitled to due process of law during a lineup. Let me examine, very briefly, the gravity of this position.

In the Wade decision itself, the Supreme Court discussed at length the grave potential for prejudice and miscarriage of justice inherent in lineup procedures. Eyewitnesses to crimes are notoriously subject to mistaken identifications. Frequently, their opportunity for observation at the time of the crime was insubstantial. At the lineup, they are highly susceptible to suggestion, whether intentional or not, based on the manner in which the prosecutors or police present the suspect for identification. Where the victim himself is the witness, the hazard to objective identification is even further increased, because of the turbulent and possibly vengeful emotional attitude of the witness.

One expert authority quoted by the Supreme Court has given graphic examples of cases in which grossly unfair lineups were conducted.

> In a Canadian case . . . the defendant had been picked out of a line-up of six men, of which he was the only Oriental. In other cases, a blackhaired suspect was placed in a group of light-haired persons, tall suspects have been made to stand with short non-suspects, and in a case where the perpetrator of a crime was known to be a youth, a suspect under twenty was placed in a line-up with five other persons, all of whom were over forty.

Once an eyewitness has picked a suspect from a lineup, the witness easily becomes totally committed to the identification and at trial is frequently unable to distinguish between the supposed identification relating to the crime and the identification at the lineup. It is very unlikely that once having made an identification in an unfair lineup he will go back on his word. The Supreme Court did not believe that civilized men nor a civilized nation could condone such unfair tactics by its officials. Accordingly, to provide a modicum of protection for the accused during this stage of the criminal proceeding, it required that the accused have the assistance of counsel.

There is no basis for suggesting that Wade is likely to place an undue burden on effective law enforcement. The Court suggested a variety of procedures which could conveniently be used by law-enforcement officers to assure fair and impartial lineups. It also suggested appropriate alternative procedures that could be used in circumstances where the presence of the suspect's counsel at a lineup was likely to cause prejudicial delay or obstruction of police procedures.

The Wade opinion offers workable guidelines for achieving a reasonable accommodation between the needs of law enforcement and the constitutional rights of the accused. So far as I am aware, no study has yet been made of the impact of Wade on law enforcement. Certainly, there is no empirical evidence that the Wade decision has hampered law enforcement. Again I wish to emphasize the view that before the Senate tosses aside the fundamental rights of the accused, it should act on some rational basis. A general dissatisfaction with the Supreme Court is no basis for striking out blindly.

Our own abhorrence of the riots and crimes in the streets is no reason for striking out blindly. In these circumstances, I submit, the repeal of Wade by act of Congress, just as repeal of Miranda, would not only be unconstitutional, but unwise and highly premature, and would add nothing to effective law enforcement in our Nation today.

ADDITIONAL LEGAL SCHOLARS CONDEMN TITLE II OF CRIME BILL, S. 917

Mr. President, on April 19, I wrote to law schools across the country calling attention to the provisions of title II of the proposed omnibus crime bill, S. 917, which is now pending before the Senate.

In my letter, I asked for views regarding the wisdom and the constitutionality of the provisions of title II.

To date, I have received responses from 38 law schools, signed by 206 legal scholars, including 21 law school deans. All of these letters express the opinion that title II should not be enacted into law.

I have previously read into the RECORD letters from 33 law schools. These letters appear in the RECORDS of Monday, April 29, at page 10888; Wednesday, May 1, at page 11234; and Friday, May 3, at page 11746. Today, I wish to read into the RECORD additional letters I have received.

To date, law schools from which I have heard are the following:

Boston College Law School, Brighton, Mass.

University of California School of Law at Davis, Calif.

University of California School of Law at Los Angeles, Calif.

California Western University School of Law, San Diego, Calif.

Chase College School of Law, Cincinnati, Ohio.

University of Chicago School of Law, Chicago, Ill.

University of Cincinnati College of Law, Cincinnati, Ohio.

Duke University School of Law, Durham, N.C.

Emory University School of Law, Atlanta, Ga.

George Washington University National Law Center, Washington, D.C.

Georgetown University Law Center, Washington, D.C.

Gonzaga University School of Law, Spokane, Wash.

Harvard University Law School, Cambridge, Mass.

Indiana University School of Law, Bloomington, Ind.

University of Kansas School of Law, Lawrence, Kans.

Loyola University School of Law, Los Angeles, Calif.

University of Maine School of Law, Portland, Maine.

University of Maryland School of Law, Baltimore, Md.

University of Michigan School of Law, Ann Arbor, Mich.

University of Missouri School of Law, Columbia, Mo.

University of Missouri School of Law, Kansas City, Mo.

University of New Mexico School of Law, Albuquerque, N. Mex.

University of North Dakota School of Law, Grand Forks, N. Dak.

University of North Carolina School of Law, Chapel Hill, N.C.

Northeastern University School of Law, Boston, Mass.

University of Oklahoma College of Law, Norman, Okla.

University of Oregon School of Law, Eugene, Oreg.

University of Pennsylvania School of Law, Philadelphia, Pa.

Rutgers, The State University, School of Law, Camden, N.J.

University of South Dakota School of Law, Vermillion, S. Dak.

Southern University Law School, Baton Rouge, La.

Stanford University School of Law, Stanford, Calif.

University of Tennessee School of Law, Knoxville, Tenn.

University of Tulsa College of Law, Tulsa, Okla.

University of Utah College of Law, Salt Lake City, Utah.

University of Virginia School of Law, Charlottesville, Va.

West Virginia University College of Law, Morgantown, W. Va.

Yale University School of Law, New Haven, Conn.

I ask unanimous consent that the additional letters which I have received from faculty members at the Georgetown University Law Center, Indiana University School of Law, University of Maine School of Law, University of Oklahoma College of Law, Rutgers, the State University, School of Law, University of Utah College of Law, and Yale Law School, be inserted at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GEORGETOWN
UNIVERSITY LAW CENTER,
*Washington, D.C., May 3, 1968.*

Hon. JOSEPH D. TYDINGS,
*U.S. Senate,*
*Committee on the Judiciary,*
*Washington, D.C.*

DEAR SENATOR TYDINGS: We write for the purpose of urging the defeat of Title II of the so-called Omnibus Crime Control and Safe Streets bill. Our position with respect to this legislation is well stated by Professor A. Kenneth Pye of the Duke University School of Law in his letter of April 26, addressed to you.

We stress that those portions of Title II, (Section 3501 and 3503) which would abrogate the Supreme Court's interpretations of the Fifth and Sixth Amendments in the *Miranda, Wade,* and *Gilbert* decisions are plainly unconstitutional. As Professor Pye points out, the supremacy of the Supreme Court as final arbiter of the meaning of the Constitution cannot be doubted. By attempting to abolish these decisions, the Congress flouts the balance of powers which is the heart of our constitutional government.

Proponents of Title II may point to the language of *Miranda* and *Wade* suggesting that Congress and the States are at liberty to develop workable safeguards for implementing the Fifth and Sixth Amendment rights of an accused during custodial interrogation and pretrial lineups. The fallacy in this argument is that Sections 3501 and 3503 completely fail to provide even minimal safeguards. The conclusion is inescapable that these provisions contemplate derogation and abrogation, rather than implementation, of the decisions. In *Miranda,* Mr. Chief Justice Warren observed: "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

The other provisions of Title II overturning the *NcNabb-Mallory* Doctrine and divesting lower federal courts of jurisdiction to entertain collateral attacks on State court criminal judgments are both constitutionally suspect and unwise. It is regrettable that the pendecy of this bill before the Judiciary Committee received so little publicity, and that interested persons have not had time to develop the kinds of analysis so sorely needed for reasonable congressional consideration of legislation of such vast and unprecedented implications. We believe, for example, that available empirical data will not demonstrate that the *Mallory* rule has significantly impeded legitimate law enforcement activity in the federal system. We also believe that the availability of federal habeas corpus to state prisoners is an indispensable bulwark against procedural arbitrariness and injustice in the States.

In short, we believe that enactment of Title II would seriously jeopardize the rights of all accused, state and federal, guilty and innocent, and would represent a retreat to principles of law enforcement and criminal procedure long since discredited and considered repugnant to the concept of equal justice in a civilized society.

Very truly yours,

ADDISON M. BOWMAN,
*Associate Professor of Law (Criminal Justice).*
SAMUEL DASH,
*Professor of Law (Criminal Justice).*
JOHN G. MURPHY, Jr.,
*Associate Professor of Law (Co-Director, Legal Internship Program),*
JOHN R. SCHMERTZ,
*Associate Professor of Law (Procedure and Evidence).*
JOSEPH M. SNEE, S.J.,
*Professor of Law (Constitutional Law).*

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THE UNIVERSITY OF OKLAHOMA,
*Norman, Okla., May 1, 1968.*

Hon. JOSEPH D. TYDINGS,
*U.S. Senate, Committee on the Judiciary, Washington, D.C.*

DEAR SENATOR TYDINGS: In response to your letter I inquired of my colleagues with respect to their views regarding the wisdom of the proposed legislation.

Two members of the faculty took the position that the faculty as a whole should express no opinion until each member had the opportunity to study the problem carefully.

The overwhelming majority of the faculty expressed the view that we as the faculty should express agreement with the views which you stated. Two members of the faculty who expressed agreement with your views did, however, disagree on the habeas corpus point involved in § 902(a) and observed that they could not see why the Court cannot adequately review questions after presentation to the state courts.

In summary, it is fair to say that twelve members of the faculty and I substantially agree with the views which you expressed in your letter.

Your truly,

EUGENE KUNTZ, *Dean.*

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INDIANA UNIVERSITY,
SCHOOL OF LAW,
*Bloomington, Ind., May 2, 1968.*

Senator JOSEPH D. TYDINGS,
*U.S. Senate,*
*Committee on the Judiciary,*
*Washington, D.C.*

DEAR SENATOR TYDINGS: I have delayed a response to your letter of April 19th about Title II of S. 917 until I had had an opportunity to consult with some of my colleagues. As you might have expected, out of these discussions emerges the clear view that Title II contains provisions that are certainly unwise and in some aspects unconstitutional.

We believe the policies reflected in the *Miranda, Mallory,* and *Wade* decisions are sound. To the extent that the safeguards imposed by these decisions render more difficult the procuring of convictions, we feel this is a legitimate price to pay for the preservation of fundamental decencies in the administration of criminal justice. If the Congress wishes to eliminate safeguards which the Supreme Court has determined to be constitutional rights, we believe that formal amending processes should be invoked. Aside from this procedure, it might be appropriate for the Congress to conduct extensive fact-finding hearings to determine the actual impact on police operations and criminal prosecutions of the decisions in *Miranda, Mallory* and *Wade.* The findings of

such an investigation might assist the Supreme Court, if at a later time it is disposed to reconsider its holdings in the relevant cases. To attempt constitutional revision by statute, as seems to be the effort of Title II of S. 917, invites an unfortunate confrontation of the legislative and judicial powers that cannot fail to undermine respect for the Supreme Court and possibly for the Congress as well.

We are aware of the difficult constitutional questions involved in the assertion of legislative power to restrict the review jurisdiction of the Federal courts and to abolish Federal habeas corpus jurisdiction over state criminal convictions. It is difficult to believe, however, that Congressional control over the jurisdiction of the Federal courts may be exercised so extensively as to prevent effective assertion and implementation of rights guaranteed by the Constitution of the United States. That such a risk is implicit in the elimination of Federal review of state determinations of voluntariness is well illustrated by such recent decisions as *Beecher* v. *Alabama*, 88 S. Ct. 189, and *Brooks* v. *Florida*, 88 S. Ct. 541.

We would strongly support your efforts within the Judiciary Committee and the Senate itself to assure the elimination of Title II of S. 917.

Your sincerely,

WILLIAM B. HARVEY, *Dean.*

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UNIVERSITY OF MAINE,
SCHOOL OF LAW,
*Portland, Maine, May 2, 1968.*

Hon. JOSEPH D. TYDINGS,
*U.S. Senate,*
*Committee on the Judiciary,*
*Washington, D.C.*

DEAR SENATOR TYDINGS: I have just had an opportunity to read Title II of S. 917, the Crime Control and Safe Streets bill.

The attack on mandatory fair procedures as a prerequisite to admissibility of confessions is extremely disturbing. The procedural rules which proposed sections 3501 and 3502 are apparently designed to reverse are perhaps the only way of assuring fair treatment for criminal defendants. In particular, it would seem that the right to counsel (or a knowing and fully voluntary waiver of that right) is not only an essential protection for the poor and uneducated, but is probably constitutionally required:

Since wealthy and educated persons know of their right to remain silent until consulting with counsel, a lack of warning to the poor and uneducated constitutes a denial of equal protection; and

It seems realistically true that the constitutional right to counsel extends back to the interrogation stage of criminal proceedings.

However, I am most distressed by proposed section 2256, which would seek to abolish federal habeas corpus jurisdiction in state criminal cases.

The privilege of the writ of habeas corpus is enshrined in the Constitution, and stems from the Magna Charta. The Writ is generally regarded as the greatest protection of individual rights existing in Anglo-American law.

If the Congress were to purport to say that citizens of the United States cannot have a *United States* court determine the question of whether they were imprisoned in violation of the *United States Constitution*, it is not certain that individual rights would suffer greatly; no doubt the Supreme Court would grant certiorari more freely, at the expense of other types of cases. But by an attack upon habeas corpus, the Congress would bring itself into disrepute.

I hope that the Committee rejects these backward-looking proposals.

Very truly yours,

DAVID J. HALPERIN,
*Associate Professor of Law.*

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RUTGERS UNIVERSITY,
SCHOOL OF LAW,
*Camden, N.J., April 29, 1968.*

Senator JOSEPH D. TYDINGS,
*U.S. Senate, Committee on the Judiciary,*
*Washington, D.C.*

DEAR SENATOR TYDINGS: I am writing in reply to your letter of April 19th. Like you, I am distressed by those provisions of Title II of S. 917, the Omnibus Crime Control and Safe Streets Bill, which purport to overturn the *Miranda, Wade* and *Mallory* decisions, remove federal appellate jurisdiction to review state court decisions admitting confessions, remove federal appelate jurisdiction to review both state and federal cases admitting eyewitness identification testimony, and abolish federal habeas corpus jurisdiction over state criminal convictions.

While I think that all these features of the bill are unwise and that many of them present the most serious constitutional problems, and consequently hope that all of them will be stricken from the bill, I am particularly distressed over those provisions which limit the jurisdiction of the federal courts. Most questionable, in my opinion, are those provisions of Section 3501 which would remove appellate jurisdiction from the Supreme Court and the United States Court of Appeals to review state decisions admitting confessions and both federal and state decisions admitting eyewitness identification testimony. The point is not whether Congress has power to limit the appellate jurisdiction of the Supreme Court. This is uncertain. See Hart, *The Power of Congress to Limit the Jurisdiction of the Federal Courts: An Exercise in Dialectic*, 66 Harv. L. Rev. 1362, 1365 (1953); Ratner, *Congressional Power over the Appellate Jurisdiction of the Supreme Court*, 109 U. Pa. L. Rev. 157 (1960). The point is that this is changing the referee in order to obtain a referee who may be more favorable to the views of those doing the changing. Even if constitutionally permissible, this is inconsistent with the framework of the amending process of article V of the Constitution. It bears the marks of an attempt to circumvent the amending process. I am opposed to efforts to change the game by changing its rules or its referee no matter from whom they originate.

In addition, the provision depriving the Supreme Court of jurisdiction to review state court decisions admitting confessions and the provision depriving the Supreme Court of jurisdiction to review both state court and federal court cases admitting eyewitness identification testimony will, if a federal trial court or a state court, respectively, should declare unconstitutional the substantive provisions of the act dealing with the confession or eyewitness identification problems, lead to a lack of uniformity in the decisions of the various courts—state and federal—as to whether the provision in question is constitutional. This is regretable. There should be but a single ultimate arbitor of constitutional questions. The Constitution should mean the same thing in all the states and in all federal judicial districts.

Moreover, the effect of these jurisdictional provisions insofar as they apply to review of state court determinations would be to provide the person convicted in a state court of even one opportunity to have a federal claim adjudicated in a federal court. A person convicted in a state court is entitled to a determination of a federal claim by a federal court just as he is entitled to a determination of his state claims in a state court. While cases involving review of convictions by state courts usually involve state claims, they may also involve federal claims. State law is supreme with respect to the generality of criminal law within a state, but federal law is supreme with respect to the federal claims presented by a state criminal case. Under the Constitution, conflict between the state law and a valid claim under the federal Constitution must be resolved by the state law giving way to the federal claim. A federal court does not review questions of state law when it reviews a claim of a person convicted in a state court except to determine whether the state law is constitutional. That federal courts do review questions of state law to this extent is entirely proper. The Government whose law is supreme in a particular area, here the federal government, should have authority to adjudicate that supremacy. Otherwise, courts of the other government, here the state government, who may possibly be less receptive or sympathetic to the claim of supremacy, here the federal claim, would, in violation of the spirit of the Supremacy clause, be able to frustrate these claims.

This is not so say that state courts are in fact unreceptive or unsympathetic to federal claims but only that there is a greater likelihood that, being institutions of another sovereign, they may be less receptive or sympathetic to these claims than federal courts.

In short, these provisions could undermine the federal supremacy for which the Constitution provides when state law conflicts with it. Just because a case involves the criminal law of a state—which, if of course, authoritative when it does not conflict with the Constitution—does not mean that it does not contain a federal claim also. Under our system of government, the federal claim, in cases of conflict, controls, and federal courts may be more certain guarantors of the vindication of federal rights than state courts.

I have a similar objection to section 902(a) of the Act. This provision abolishes the remedy of a state prisoner to seek relief from a state criminal conviction by writ of habeas corpus issued by a Federal court. In so doing, it would effectively preclude any *federal* determination of federal claims in state criminal proceedings in all but a few of these cases, because the great number of these cases are reviewable by the Supreme Court on direct review of the judgment of conviction or of a judgment of a state court rejecting an attempt to collaterally attack the judgment of conviction only by discretionary writ of certiorari, and the pressure of work on the Court will make it impossible for certiorari to be granted in more than a tiny fraction of these cases

Very truly yours,

MICHAEL P. ROSENTHAL,
*Associate Professor of Law.*

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THE UNIVERSITY OF UTAH,
COLLEGE OF LAW,
*Salt Lake City, Utah, May 1, 1968.*

Hon. JOSEPH D. TYDINGS,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR TYDINGS: I very much appreciate your letter of April 19, 1968, calling the attention of our faculty to the provisions of Title II of Senate Bill 917. Our faculty has responded to your letter by urging the elimination of Title II from the bill. A statement signed by every member of the law faculty is enclosed.

Sincerely yours,

SAMUEL D. THURMAN, *Dean.*

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THE UNIVERSITY OF UTAH,
COLLEGE OF LAW,
*Salt Lake City, Utah, April 30, 1968.*

As members of the Legal Profession devoting our professional efforts to the communication of the American legal tradition to our students, we are shocked and dismayed that the Senate Judiciary Committee should have favorably reported Title II of Senate Bill 917.

This blunderbuss bill attempts to deal with the crime problem by repressive measures inconsistent with the American system of law and the constitutional concern for individual liberty. We believe that the bill would seriously curtail the developing legal doctrines designed to protect and preserve

individual liberty and personal human dignity. In our increasingly complex society, it is vital that neither the legal doctrines designed to protect and augment the personal rights and personal dignity of the individual nor the traditional processes of judicial review to secure those rights should be undercut by short-sighted federal legislation. As conservatives, we challenge the appropriateness of a legislative proposal designed to curtail judicial review of actions by governmental officials. As liberals, we question the wisdom of a proposal which would have the effect of giving arbitrary discretion to the police and to state courts as a means of dealing with so complex a problem as that of the increase in crime. As citizens, we are dismayed at the destructive impact upon our federal polity, and its system of checks and balances, of this proposal to insulate state court decisions in criminal matters from effective federal judicial review, thereby encouraging non-uniformity in and discriminatory application of constitutional rights of the individual.

This repressive proposal, designed as a measure for crime control, would in our opinion, ultimately have the effect of rendering law enforcement less effective. History shows that a free society must depend for effective crime prevention on the cooperation and support of its people. Such support and cooperation ultimately rests upon the moral persuasivness of the law and the justice with which the law is administred. In the words of Justice Brandeis, "If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." This proposal to curtail judicial review of law enforcement measures can only be seen as an invitation to law enforcement agencies to bend and break the statutory law as well as the fundamental law of the land, the Constitution itself.

In these troubled times, when we have seen riots in our cities and commotions in our streets, Congress must not suggest that the police are above the law by measures designed to weaken judicial review of law enforcement practices. To do so would vindicate the claims of extremists who use false cries of police brutality as a justification for and an incitement to unlawful action. Since effective law enforcement and crime prevention ultimately depend on the support of all segments of the population, Congress should do nothing to weaken that support. Title II of this bill would do so.

The proposal to reverse the recent Supreme Court rulings on confessions is subject to more specific criticism. Congress should be aware that numerous studies in many parts of the nation conducted after the Miranda decision show that the Miranda rule has not operated to inhibit effective law enforcement. On the contrary, the detailed and specific rules of Miranda make for more effective law enforcement and fewer instances in which guilty men escape justice than the vague and uncertain standards of the "totality-of-the-circumstances" test of voluntariness which the bill proposes to substitute for the Miranda rule.

The great virtue of Miranda is its clarity. Law enforcement officers know in advance what they may do and what they may not do in questioning a suspect. If they fail to obtain a confession because the suspect asserts his constitutional right to remain silent, the officers may pursue other investigative avenues while the clues are fresh. Conversely, the uncertainty of the voluntariness standard means that the officers lack a clear guide to what is permissible. In the absence of guidance it is understandable that officers will often guess wrong and go too far. When they do so, the only remedy available would be a later judicial ruling that the confession is inadmissible. Such rulings will usually come when it is too late to pursue other investigative paths with the result that guilty men will often escape conviction. Thus, it can be said that the clarity and certainty of the Miranda rule will lead to greater assurance that the guilty will be convicted, and to fewer miscarriages of justice, than would a return to the uncertainties of the voluntariness test revived in S. 917.

The proposal to eliminate the jurisdiction of the United States Supreme Court to review state rulings in criminal cases, admitting confessions into evidence, flies in the face of more than 30 years of constitutional history. Since Brown v. Mississippi, 297 U.S. 278, in which chief Justice Charles Evans Hughes declared a state-approved conviction obtained by torture to be "revolting to the sense of justice" and a "clear denial" of due process of law, the Court has repeatedly been called upon to consider the constitutional admissibility of incriminating statements attributed to defendants in cases affirmed by the highest state courts. While today, these cases include few instances of physical torture and sadistic violence, we do not believe that our precious liberties as Americans would be served by a bill which would preclude the Supreme Court from providing a remedy in these situations. Yet section 3502 would have such effect.

The Supreme Court's role in state and federal confession cases has brought uniformity of approach and consistency of doctrine into this difficult aspect of criminal law enforcement; elimination of jurisdiction to review such questions would undoubtedly promote inconsistency, confusion, uncertainty, and caprice as the courts of the several states, lacking in a national perspective and without the check and balance of Supreme Court review, go their several independent ways. The ideal of "equal justice under law" would thus be impaired, for lack of uniformity and consistency in the administration of justice is widely regarded as characteristic of a "government of men," not of a "government of law."

Perhaps nowhere in Title II is its essential clumsiness and total disregard of constitutional principles more clearly demonstrated than in section 3503. This section would prohibit the exclusion of testimony that a witness saw an accused commit or participate in a crime. The provision is apparently aimed at the Supreme Court's recent rulings in United States v. Wade, Gilbert v. California, and Stovall v. Denno. These decisions attempted to fashion controls to deal with risks inherent in lineup identifications. The cases were a response to a continuing problem, the danger that identification testimony, however honest, may often be mistaken. Numerous legal commentators and judges, including Justice Frankfurter, Dean Wigmore, Judge Jerome Frank, Professor Borchard, and Doctor Glanville Williams, among others, have pointed out that such erroneous identifications are a major cause of convictions of innocent persons. We assume that nobody, including the proponents of section 3503, would seriously contend that crime control can or should be achieved by the conviction of innocent persons. Yet their proposal is an attempt to nullify the Supreme Court's efforts to assure that only the guilty are convicted by requirements making identification testimony more trustworthy.

Section 3503 is also a graphic demonstration, by its clumsiness and over-breadth, of the lack of insight and perspective with which Title II was prepared. While section 3503 was, it seems, chiefly aimed at the lineup cases, it succeeds in hitting many other targets involving entirely different problems and constitutional principles. The section would in large measure repeal the rules of Weeks v. United States and Mapp v. Ohio insofar as they exclude testimony obtained from an illegal search and seizure. The section would legalize "police state" practices by permitting the illegal searcher to testify to what he found in all cases where the possession of the items found was a crime. In addition, the section would in large measure eliminate the fruit-of-the-poisonous-tree rule as applied in both state and federal courts. Its unqualified language would require admission of eyewitness testimony without regard for other circumstances which, under present law, may limit admissibility in the interest of competency, probativeness, fairness, and public policy; and it would eliminate the principal practical sanction against violation of the constitutional right of personal privacy. We believe that section 3503 is not the kind of legislation that law-abiding and law-respecting persons expect or deserve from the Senate. Moreover, this section, in and of itself, demonstrates the lack of careful consideration which generally characterizes Title II as drafted.

The proposal to eliminate the habeas corpus jurisdiction of the federal courts to review state court decisions claimed to violate federal constitutional rights will lead to an excerbation of tensions between state and federal courts. If enacted, this provision will mean that an increased proportion of state court decisions will undoubtedly be brought to and considered by the United States Supreme Court. Thus, instead of the litigation taking place in the states before federal district court judges who are members of the state bar and familiar with state legal practices and traditions, such litigation will take place in Washington. The disadvantage to the states, the litigants, and the federal courts under this proposal seems obvious; the inability of the Supreme Court, with its already heavy workload, to give adequate protection to constitutional rights is deplorable.

Finally, we urge that you consider the proposals embodied in S. 917 from an historical perspective. The finest traditions of the Senate suggest that posterity will not look kindly on this ill-considered attempt to curtail and restrict the legal remedies of individuals seeking redress for violations of their constitutional liberties. While no doubt these legal remedies are sought by guilty and innocent alike, history teaches that the rights of all, guilty and innocent alike, are inseparable. The American tradition of presumed innocence until there has been a final determination of guilt, made in accordance with law, emphasizes the truth that the rights of the innocent are diminished by measures designed to restrict thorough judicial consideration of the claims of those who are believed to be, but in fact may not be, guilty.

We urge you to look beyond the problems of the immediate present and to weigh the part that the federal courts have played in developing the legal rules and restraints on governmental power. Individual rights of the citizen, developed over centuries of historical conflict, are far too precious to be sacrificed to temporary political expediency. We urge the Senate to stand firmly for a continuation of equal justice according to law. We urge you to vote for the elimination of Title II from Senate Bill 917.

Sincerely,

Robert W. Swenson, Lionel H. Frankel, Robert L. Schmid, John F. Flynn, Wallace R. Bennett, Arvoban Alsty, A. C. Emery, Ronald W. Boyce, Jerry R. Andersen, Samuel D. Thurman, I. Daniel Stewart, Richard L. Young, Richard I. Howe, William J. Lockhart, Edwin Brown Firmerge, E. Wayne Thode, Denny I. Ingram, Jr.,

*Members of the Faculty.*

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YALE LAW SCHOOL,
*New Haven, Conn., May 1, 1968.*

Hon. JOSEPH D. TYDINGS,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR TYDINGS: Approval by the Senate Judiciary Committee of Title II of

S. 917 (The Safe Streets and Crime Control Act) prompts this letter. Enactment and implementation of Title II would undermine many major advances that have only recently begun to be made in the administration of criminal justice.

The major components of Title II are of doubtful constitutionality. The Title in its entirety constitutes a threat to the integrity and soundness of our criminal process, and places in jeopardy many hard won procedural rights. Guided by the wisdom of the generalization once proffered by Jerome Hall that the substantive criminal law should be designed for criminals and that its procedure be designed for honest people we urge that Title II be stricken from the bill.

Sections 3501(a) and 3501(b) which make a narrowly and arbitrarily conceived "voluntariness" the sole criterion for the admissibility of a confession in evidence in a Federal court are in conflict with the decision of the Supreme Court in *Miranda*, 384 U.S. 436. There the Court established the following specific essentials of voluntariness as constitutional requirements for the admissibility in evidence of confessions:

A suspect must be warned that he has a right to remain silent and that anything he says may be used against him.

A suspect must be warned that he has a right to consult with a lawyer and to have the lawyer with him during interrogation.

A suspect must be warned that if he cannot afford a lawyer, a lawyer will be appointed for him.

These *Miranda* requisites are designed to safeguard the right against self-incrimination under the Fifth Amendment. As Chief Justice Warren emphasized in *Miranda*, the FBI practice then being followed was substantially consistent with the decision. To abandon the *Miranda* guides can only serve to encourage those abuses of authority frequently carried out in the name of law enforcement. And equally disheartening, enactment is likely to set us on another course of litigation at a time when the police after some 30 years of litigation following *Brown v. Mississippi*, 297 U.S. 798, have been provided with reasonably clear guide lines to which they can respond. (See Interrogations In New Haven: The Impact of *Miranda*, 76 Yale L. J 1519 (1967).

Section 3501(c) provides, contrary to the Court's decision in *Mallory*, 354 U.S. 449, that a confession shall not be inadmissible in evidence in a Federal court solely because of delay between the arrest and arraignment of the defendant. Section 3501(c) is bound to increase prolonged and indefinite incarceration and interrogation of suspects, without opportunity to consult with friends, family or counsel. Not only does this section undercut the purpose of the Court's exercise of its supervisory power in *Mallory* but it is likely to trigger police practices of doubtful constitutionality.

And there are serious doubts about the constitutionality of Sections 3502 and 3503. Section 3503 so far as it relates to eyewitness testimony undercuts the Court's decision in *Wade*, 388 U.S. 218, which gives body and meaning to the right to counsel at crucial early stages of the criminal process. Both Sections 3502 and 3503 prohibit Federal review of decisions by State courts, even though the State court has squarely passed upon a Federal claim. The Supreme Court has had ultimate authority under the Constitution to resolve conflicting interpretations of Federal law and to pass on the constitutionality of legislation enacted by Congress. To deny this authority to the Supreme Court is to nullify the Supremacy Clause and destroy the role of the Supreme Court in our constitutional system. Sections 3502 and 3503 are thus far more serious attacks on the Supreme Court than the Court-packing plan of the 1930's. To abolish Supreme Court review would create chaos in the interpretation of important issues of Federal law, since the 50 State Courts and 94 Federal district courts would become the final arbiters of the meaning of the Constitution and laws of the United States in very important areas of the administration of criminal justice.

Finally, Section 2256 abolishes the habeas corpus jurisdiction of Federal courts over State criminal convictions. The sole Federal review of a Federal claim by a State prisoner would be limited to appeal or certiorari. The Constitution prohibits the suspension of the writ of habeas corpus except in cases of rebellion or invasion. Since the remedies of appeal and certiorari are almost entirely discretionary in the Supreme Court, they cannot adequately protect Federal constitutional rights. Many State prisoners would thus be denied even one full and fair hearing in a Federal court on their constitutional claim. Sole reliance on State court judges to protect Federal constitutional rights can not protect these rights.

For these reasons, and without expressing our views on other provisions of S. 917, we urge that every effort be made to defeat Title II of S. 917.

Your laudable efforts on behalf of improving the administration of justice encourages us to convey these views to you.

Respectfully yours,

JOSEPH GOLDSTEIN,
*Justus S. Hotchkiss Professor of Law.*
ABRAHAM S. GOLDSTEIN,
*William Nelson Cromwell Professor of Law.*
STEVEN B. DUKE,
*Professor of law.*
JOHN GRIFFITHS,
*Assistant Professor of Law.*

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YALE LAW SCHOOL,
*New Haven, Conn., May 2, 1968.*

Hon. JOSEPH D. TYDINGS,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR TYDINGS: I have just had word from my colleague, Alexander M. Bickel, Chancellor Kent Professor of Law and Legal History, that he wishes to be associated with the letter that I sent to you yesterday, May 1, concerning Title II.

Sincerely yours,

JOSEPH GOLDSTEIN,
*Justus S. Hotchkiss Professor of Law.*

Mr. TYDINGS. Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, I think the distinguished Senator from Maryland is in error when he makes a broadside statement that the committee heard no evidence with respect to title II, but that is what he said.

Mr. TYDINGS. Mr. President, I stated that there were no public hearings on title II as reported by the committee, in which law professors, students, or criminologists, had an opportunity to testify.

Mr. McCLELLAN. I want to answer that statement by saying that, with respect to the bill originally introduced by me on confessions, in dealing with the Mallory case, which was S. 674, public hearings were held on it. Every Member of the Senate was invited to testify. They were held at some length. We had testimony from the State of Maryland.

I wish to remind the Senator that if he will simply look at page 619 of the hearings, he will find the statement of the Honorable Charles E. Moylan, Jr., State's attorney for the city of Baltimore, Md.

He testified at some length regarding S. 674. He made the statement that, as between that bill and the one I had introduced on wiretapping, although he supported the wiretapping bill, he regarded this bill as the most important.

He told of the experience he had in that period. He testified on April 20, 1967. As I recall, the Miranda decision was handed down June 13, 1966. If my good friend thinks it has had no bad effect in his State, I would refer him to this testimony in the record, which is evidence on the confessions title of the bill, and particularly the Miranda case.

Mr. Moylan stated:

I am here in really three capacities. Along with Mr. Cahn, of Nassau County, I am here as a representative from and a member of the Board of Directors of the National District Attorneys Association.

I am also here in a second capacity as the president of the Maryland State's Attorney's Association. In Maryland we call it States attorney instead of district attorney.

And, finally, I am here in my own most direct capacity as the State's attorney for the city of Baltimore, a city of 950,000 people in which occurs 65 percent of the crime in the State of Maryland.

I am here, Senator, to testify with respect to both Senate bills 674 and 675. I share the feeling that I thought you, Mr. Chairman, indicated by implication a few moments ago, that if I had to establish a priority in importance between the two bills, as important as I think S. 675 is with respect to wiretapping. I think that S. 674 with respect to confessions is even more pressing on law enforcement today.

He goes on and makes considerable comment about it, and tells of the experience in 72 cases in that brief period of time, very important cases, which had to be dismissed or verdicts of acquittal directed by the court, because of the Miranda decision. He submits a list of them and talks about some of the most vital and critical ones.

I simply say, for the benefit of anyone who reads the RECORD and is interested in getting the complete facts, that for the State of Maryland there is the strongest evidence I know of that could possibly be obtained from him who has the responsibility and duty to prosecute.

I submit his statement for the RECORD and ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at this point, so both sides of the question from the State of Maryland may be available to him who reads the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF CHARLES E. MOYLAN, JR., STATE'S ATTORNEY FOR THE CITY OF BALTIMORE, MD.

Mr. MOYLAN. Senators, my name is Charles E. Moylan, Jr., and I am here in really three capacities. Along with Mr. Cahn of Nassau County, I am here as a representative from and a member of the Board of Directors of the National District Attorney's Association.

I am also here in a second capacity as the president of the Maryland State's Attorney Association. In Maryland we call it States attorney instead of district attorney.

And finally, I am here in my own most direct capacity as the State's attorney for the city of Baltimore, a city of 950,000 people in which occurs 65 percent of the crime in the State of Maryland.

I am here, Senator, to testfy with respect to both Senate bills 674 and 675. I share the feeling that I thought you, Mr. Chairman, indicated by implication a few moments ago, that if I had to establish a priority in importance between the two bills, as important

as I think S. 675 is with respect to wiretapping, I think that S. 674 with respect to confessions is even more pressing on law enforcement today.

And first of all, I believe you have already received from the Chicago office of the National District Attorney's Association the copy of the resolution with respect to *Miranda* v. *Arizona*. It was adopted on March 18 in Los Angeles at the midwinter meeting. I happened to be the author of that resolution. The effect was that we recommended to the Senate, and indeed to the entire Congress, the passage of legislation such as Senate bill 674, not simply for the salutary effect that it would have upon Federal law enforcement itself, but because we also feel that it is a very valuable and very articulate expression of what we, the National District Attorney's Association, feels is the national consensus of feeling on just what fundamental fairness is.

Senator MCCLELLAN. I am going to direct that this resolution be placed in the record at this point.

(The resolution referred to follows:)

"RESOLUTION

"Where the *Miranda* vs. *Arizona* case introduced new principles of law dealing with the use of confessions and admissions in the prosecution of criminal cases,

"Whereas for many years the law of our nation had applied a test of voluntariness to the admissibility of admissions and confessions, and

"Whereas these new principles enunciated in *Miranda* vs. *Arizona* are very restrictive and have had serious impact on the prosecution of criminal cases and on law enforcement throughout the nation, and

"Whereas, Legislation is needed to restore the voluntary test in the federal and state court, and

"Whereas, such legislation is in the best interest of the law-abiding citizens and reflects the national consensus on what constitutes fundamental fairness as envisioned by the due process clause of the Fourteenth Amendment and would, therefore, beneficially affect state actions.

*"Therefore be it resolved* that the National District Attorneys Association at its Midwinter Meeting in Los Angeles, California, on March 16, 1967, unanimously urges appropriate legislation to accomplish the purpose herein stated."

Mr. MOYLAN. I might point out one of the reasons that the national district attorneys felt that 674 was so important to us was because, even though it directly deals only with the Federal law enforcement problem, it very definitely has a profound effect upon law enforcement in all of the States. Because of the rationale behind the hopefully temporary five-man majority of the Supreme Court in so revolutionary a fashion changing the law since 1961—with *Mapp* v. *Ohio* with respect to the fourth amendment in 1961 overruling *Wolf* v. *Colorado* in 1942; on the sixth amendment right to counsel *Gideon* v. *Wainwright* in 1963 directly overruling *Betts* v. *Brady* in 1946; with the self-incrimination case of *Malloy* v. *Hogan* in 1964 directly overruling the time-honored case of *Twining* v. *New Jersey* in 1908—that the rationale employed by the Court in changing these time-honored decisions is that of Mr. Justice Frankfurter; that the due-process clause of the 14th amendment is a flexible concept, and, indeed, can change as the national consensus of ideas and ideals change on what is fundamental fairness. I think that an expression in enacting this law by the Congress of the United States would speak to the Court very loudly as to just what the national consensus is on fundamental fairness. Even though the direct impact of the bill would be simply on the Federal law enforcement function, it would have to have profound bearing on the Court's thinking as to what those minimal constitutional standards are which should apply to the States. I think it might well lead to a rethinking of *Miranda* v. *Arizona* and *Escobedo* v. *Illinois*, and a return to the voluntariness standard that preceded these recent decisions.

The effect I see, the detrimental effect—and I might say, Senators, I believe sincerely it is a devastating effect—on local law enforcement of *Miranda* v. *Arizona*. I can speak only of my own jurisdiction. I know that several months ago I had my own staff of 33 survey the important felony cases that they had lost in the courts of Baltimore City, the criminal courts of Baltimore City, where we had a confession that clearly, under the old voluntariness standard, could have been admitted, and would probably have led to conviction, but where, not being able to offer that confession into evidence, the case was lost, and the man, whom we feel was guilty, walked free.

We found, in very conservative estimate, 72 cases out of a survey of roughly 500. It is a limited number that we can survey, because we are simply speculating when we talk about the effect of *Miranda*, since the only time when we really had the police taking the confession, and suddenly we could not use it in court, was in the transition period, where the case, the interrogation started shortly before *Miranda* and the case came up for trial after *Miranda*, in June of 1966.

Senator MCCLELLAN. What has happened to those 72 cases?

Mr. MOYLAN. There have been adjudications of not guilty, Senator, rape cases, murder cases, the entire gamut.

Senator MCCLELLAN. Were they actually tried, or did they have to be dismissed?

Mr. MOYLAN. Most were tried. A large number were tried. And, the State lost by directed verdict. In a number of them we had so little to go on without the confession that we were forced to enter a "nolle prosses," or "stet," was we called it in Maryland, in the case, and another the State dropped the case, or we attempted with some flimsy vestigial piece of evidence to take it to the court, and it was thrown out of court.

Senator MCCLELLAN. Whereas you feel reasonably confident that had the use of the confession been available to you the result might have been quite different?

Mr. MOYLAN. Very definitely, I think we would have obtained convictions, these were all felonies, many of them were murder cases and rape cases, and the estimate was a very conservative estimate, I am confident that it affected many hundreds of cases in this period. But, the individual assistants searching their recollections for cases they recalled would recall the more serious rape and murder cases to mind.

I will give, if I might, three illustrations, because I think they are illustrative of the problem.

Senator MCCLELLAN. Let me ask you this, and then you can give your illustrations.

What you have just testified to conveys the information that of the number of cases you surveyed, some 70 self-confessed murderers, rapists, and people who have committed other serious crimes are now loose on society by reason of the *Miranda* decision.

Mr. MOYLAN. Yes, Senator, 72 in the city of Baltimore alone in a period of several months.

Senator MCCLELLAN. I mean, just in your jurisdiction?

Mr. MOYLAN. That is correct, Senator.

Senator MCCLELLAN. You are confident from your experience, and from the evidence you have, and the nature of the confessions, that most of them or all of them would have been convicted?

Mr. MOYLAN. I am, Senator. And I am going to give one example that typifies many of these, and I think really illustrates the point.

Senator MCCLELLAN. Very well.

Mr. MOYLAN. An individual by the name of George McChan was convicted. As an assistant in Baltimore City I convicted him myself in 1963 of a series of shotgun robberies. He was sentenced to 40 years in the penitentiary. Two years later, by virtue of one of the fourth amendment *Mapp* v. *Ohio* considerations, he was granted a new trial.

He came back a second time in the courts of Baltimore, was convicted a second time, and again sentenced to 40 years in the penitentiary.

That second conviction was affirmed by the Maryland Court of Appeals. It was within the 90-day period in which he might have applied for certiorari to the Supreme Court of the United States when another Maryland decision applying a first amendment freedom-from-religion case to Maryland threw out all of our earlier cases not yet final, where a grand jury had been required, or a petit jury, before applying for service, to indicate whether they did or did not believe in God.

But at any rate, the individual who had been twice convicted was sent back for a third trial. And at the third trial, though the evidence was clear in the first two, *Miranda* v. *Arizona* had intervened before our third trial of McChan. Without the confessions, which met the old voluntariness test, we had nothing with which to convict him. He was found not guilty.

He was released on a Friday night. And by Tuesday night, 72 hours later, one person was shot in Baltimore City and another individual was shot and killed in the course of an armed robbery of a tavern at 1 o'clock in the morning and McChan is the man—I have to say allegedly guilty, because he has not yet been tried formally—who has been indicted for that murder, 72 hours after being released on a third trial where the evidence under *Miranda* was not admissible in a third trial, whereas it had been clearly admissible and led to convictions in the first two trials.

Senator MCCLELLAN. You could give other examples; could you not?

Mr. MOYLAN. Very definitely.

The *David Jenkins* case is before us. He was sentenced to death for first-degree murder, a horrible robbery-murder, hacking a man to death with a meat cleaver. He got a new trial on technical grounds. And on the next trial we were not able to use a confession against him. But through a compromise we were able to get a plea of second-degree murder. And he is serving 18 years.

Senator MCCLELLAN. What did he get the first time?

Mr. MOYLAN. A death sentence. And if we had not been lucky enough to get the compromise the second time around he probably would be walking free today.

Rather than going into Senate bill 675—I know the committee has to adjourn—I will just summarize my feelings on S. 674, confessions.

We have seen in Baltimore and throughout Maryland the virtual elimination of the confession. We very occasionally—we used to get it in 20 to 25 percent of our cases, and now we are getting it in 2 percent of our cases. The confession as a law-enforcement instrument has been virtually eliminated. And I think this is ironic. But one thing the Federal courts do not take into account, they say you don't have to use the search and seizure of physical good, you don't have to use the confession, that law enforcement should become more sophisticated and should apply the technological sciences such as do the Federal Bureau of Investigation, the Internal Revenue Service, Scotland Yard, or what have you. And what I think the Federal courts have failed to grasp is that in the cases they deal with involving the FBI and the Treasury Department they are dealing with ongoing crimes, where there is a counterfeit ring, or a Mafia, or a Communist

Party, or a Ku Klux Klan, where it is going to continue, and you may be able to employ the long-range Scotland Yard-FBI techniques of penetration and surveillance over a period of weeks or months. And yet to pick cities such as Baltimore, dealing with tens of thousands of spontaneous crimes, burglaries, rapes, yokings, where a man walks up a street and the crime is over in 5 minutes, and then he is gone, and there is not available, even if we could afford the price, the metropolitan police departments the techniques that are available to an FBI or a Scotland Yard. And without the confession we are handicapped to an extent that is absolutely frustratinng law enforcement.

Senator MCCLELLAN. Have you failed to secure indictments of prosecutions for crimes that have occurred since the *Miranda* decision, simply because the decision handicaps your policeman in trying to pursue an inquiry and interrogation to elicit information that would be useful in the trial of the case?

Mr. MOYLAN. I know, Senator, that we have failed even to take cases to grand juries in many, many cases. It is a large volume of cases. It is impossible to give a precise estimate. It is purely speculative in this area, because once the police do not obtain the confession, the case goes no further, and as a result there is no way to record the number of cases quantitatively in which we are frustrated. But it represents many, many percentage points. I am confident that 15 to 20 percent of those cases that would have gone to the grant jury pre-*Miranda* are not even reaching that stage today.

Senator MCCLELLAN. You wrote me as chairman of the committee on the 7th of March this year citing a number of cases. Do you have any objection to your letter being made a part of your testimony?

Mr. MOYLAN. None whatever, Senator.

Senator MCCLELLAN. It may be printed in the record.

(The letter referred to follows:)

"STATE ATTORNEY OF BALTIMORE CITY,
*"Baltimore, Md., March 7, 1967.*

"Re effects of *Miranda* ruling on criminal prosecutions in the city of Baltimore.

Hon. JOHN L. MCCLELLAN,
*Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Senate Office Building, Washington, D.C.*

"DEAR SENATOR MCCLELLAN: I am writing in response to your letter of November 21, 1966, requesting information on the effect which the Supreme Court decision in the case of *Miranda* v. *Arizona* has had on criminal prosecutions in the City of Baltimore.

"The information I am about to give to you is, at best, a rough approximation and is only partial in nature. The State's Attorney's Office of Baltimore City handles only those criminal prosecutions serious enough to be tried at the Circuit Court level, which, in Baltimore, is known as the Supreme Bench of Baltimore City. Literally, tens of thousands of minor offenses are tried daily in our nine Municipal Courts, which, in many jurisdictions, would be referred to as Magistrates' Courts. Prosecutors do not participate regularly in those trials. Although the Maryland distinction between felony and misdemeanor is extremely confused, those cases heard by our higher Circuit level Courts would be the cases which, in most states, would be classed as felonies, and those cases heard by our Municipal Court would be classified in most states as misdemeanors.

"A second factor which makes this estimate, at best, an approximation is that we have not kept any running statistics on the effect which *Miranda* v. *Arizona* has had on our cases. After receiving your letter, I requested my Executive Assistant State's Attorney to survey all members of the staff and to take from each of these Assistant State's Attorneys his recollection as to what, if any, cases had been affected by *Miranda*. As each of approximately thirty men looked back over well over one hundred cases per man over the past six months, it follows that though the more significant cases may have stuck in memory, the details of the more minor cases may have dimmed into oblivion. I must also point out that since the early fall of 1966, at least four regular trial Assistants have left this office. They were not included in our informal survey, and they almost certainly had some cases which were affected by *Miranda*.

"The very best recollection, however, of our existing staff of Assistant State's Attorneys would indicate that at least 72 indictments have been adversely affected by *Miranda*. 64 of those indictments are now closed, with the State either entering a stet or a nolle prosequi in the case because of insufficient evidence with a confession rendered inadmissible by *Miranda* or a verdict of not guilty being entered against the State with the inadmissibility of a confession being a very significant factor in that verdict. 8 other indictments are still open, but the Assistant State's Attorney assigned to the case has indicated to me that because of *Miranda* there is no hope whatsoever of the State winning the case.

"I must point out that there are many more cases which unquestionably will be affected but of which no Assistant as yet has knowledge. With the backlog of 3,200 cases awaiting trial and most of which will arise in a routine assignment rather than being already assigned to an Assistant State's Attorney as a special case, it is inevitable that *Miranda* will be a factor in many of these cases.

"I will give a very brief résumé of some of the significant cases adversely affected by *Miranda*:

"PETERSON ET AL, ROBBERY SERIES

"The State was forced to enter Nolle Prosequi's against four defendants—Ronald Peterson, Willie C. Robinson, Nimrod Davis, Jr., and Joseph Johnson—who were involved in ten separate indictments. These various indictments charged eight robberies, four burglaries, ten larcenies, and one mayhem against a large number of victims. The crimes covered a time period that ranged from January 28, 1965, through December 27, 1965, and involved property in a total amount of $12,200. Confessions had been given to the police in all of these cases, but without the confessions being admissible, there was no other evidence legally sufficient to hold any of the defendants.

"GEORGE MC CHAN

"The George McChan case is particularly significant. McChan was initially convicted in 1963 for a series of shotgun robberies and was sentenced to 40 years in the Maryland Penitentiary. Because of a search and seizure question growing out of the Supreme Court decision of *Fahey* v. *Connecticut*, the Court of Appeals of Maryland reversed McChan's convictions and sent him back for retrial. In 1965, he was retried and reconvicted and again sentenced to 40 years. While his second appeal was pending, the Maryland Court of Appeals announced its decision in the case of *Schowgurow* v. *State* which threw out our Grand Jury system for First Amendment reasons and entitled everyone whose conviction had begun under an old Grand Jury indictment but which was not yet final to come back and obtain a new trial under a new indictment. McChan, whose second appeal was then pending, took advantage of this situation; and when he was brought before the lower court for what would have been his third trial for a series of armed robberies, the State was forced to enter a Nolle Prosequi, because the decision of *Miranda* v. *Arizona* had intervened and prevented the use of a confession against him at the third trial which had been indispensable to the earlier two convictions, McChan remained in the penitentiary temporarily, however, because of his alleged involvement in a riot at the penitentiary in the summer of 1966. He was ultimately acquitted of the riot charges and was released. He was re-arrested within four days of that release and charged with robbery and murder, which charges are currently pending.

*"Edwards murder case*

"On October 11, 1966, an Assistant State's Attorney had to enter a Nolle Prosequi against one John Edwards who was charged with the murder on March 5, 1966, of one Arthur Bowman. The reason for the Nolle Prosequi was that a statement which was clearly inadmissible under *Miranda* was the only substantial evidence against the defendant.

*"Ritter murder case*

"On October 4, 1966, an Assistant State's Attorney had to enter a Stet in the murder indictment against Ritter, because the confession, clearly inadmissible under *Miranda*, was the only substantial evidence against the defendant.

*"Cooper robbery and burglary case*

"On November 7, 1966, one Robert Wayne Cooper, who was charged with robbery and burglary, was acquitted in the opinion of the Assistant State's Attorney who handled the case, because the confession, which was the only significant evidence against the defendant, was, under *Miranda*, ruled inadmissible.

*"Aldridge burglary series*

"In this case, the State was forced to enter a Nolle Prosequi against three defendants for a series of 16 burglaries, because a confession was inadmissible under *Miranda*.

*"Hamilton burglaries*

"In this case tried on January 26, 1967, a motion to suppress a confession under *Miranda* was granted. This led to verdicts of not guilty in six burglary indictments.

*"Hopkins burglary case*

"On January 24, 1967, verdicts of not guilty were entered in three burglary indictments against the defendant, because a confession was ruled inadmissible under *Miranda*.

*"Gantt murder case*

"On August 6, 1966, the defendant, was found not guilty of murder after his confession was ruled inadmissible under *Miranda*.

*"Maddox murder case*

"In this case, a defendant, on January 16, 1967, was found guilty of murder in the second degree. A statement was ruled inadmissible under *Miranda*. The Assistant State's Attorney who tried the case feels that had the statement been admitted the verdict would have been for first-degree rather than second-degree murder.

*"Robinson arson case*

"On October 11, 1966, the State entered a Nolle Prosequi in the arson indictment against the defendant, because without the confession, clearly inadmissible under *Miranda*, there was not sufficient evidence to prosecute.

"PREDICTIONS AS TO TWO OTHER MURDER CASES

"Because these two cases are still pending, I hesitate to release the names of the defendants or the indictment numbers. In one of these, however, a conviction for first-degree murder and armed robbery was obtained in 1964, and the death penalty was handed down. Under the *Schowgurow* ruling, already mentioned, the case, which had already been affirmed by the Maryland Court of Appeals but for which the time for applying for certiorari to the Supreme Court was still running, was remanded for a new indictment and new trial. It is our considered judgment that without the confession, which would appear to be inadmissible under *Miranda*, the

chances of reconvicting this defendant are less than fifty-fifty. In a second case involving murder and rape, not yet tried for the first time, it is the firm feeling of the Assistant State's Attorney assigned to that case that if the confession under *Miranda* is ruled out, there will be no alternative to a verdict of not guilty.

"I hope this brief summary of a few of the cases in Baltimore City which were affected by the *Miranda* decision will be of some help to your committee. The area is certainly worthy of further study.

"Very truly yours,

"CHARLES E. MOYLAN, JR.,

*"State's Attorney."*

Mr. MOYLAN. I cite 20 or 25 cases that may have failed as a result of *Miranda*.

Senator MCCLELLAN. You don't mean that the cases you list in the letter constitute all the cases?

Mr. MOYLAN. By no means. Those are the more outrageous examples that come immediately to mind, that more graphically illustrate the point.

Senator MCCLELLAN. What impact would you say that this has upon crime, the increase in crime? Has this caused frustration because of the shackling of what has heretofore been legitimate and constitutional techniques?

Mr. MOYLAN. I think first, we know there is a significant quantitative effect on the crime rate itself, because of the type of persons we are dealing with in crimes such as robbery and burglary, the statistics show us are recidivists and even after serving a 20-year sentence go out and repeat, and if I found not guilty, as opposed to serving their 10-year sentence, the possibility of their repeating crimes again in a much shorter period of time is obviously enhanced.

We know that there has been a quantitative increase in time. But I don't think this is all the detrimental effect. We feel—and this is a palpable thing, you can reach and touch it—that in dealing with your police departments, your law enforcement officials, there is this feeling of incredible frustration as to whose side the courts are on; are they with the criminal or are they with us? And it is almost impossible to rationalize to the man on the beat when it appears that suddenly it is he himself who is being attacked in judicial decisions rather than the criminal, as to why he cannot use those techniques that he has been using for years that he thinks meet the demands of fairness and which accord with just the commonsense approach of any citizen.

And I think the third and perhaps the detrimental effect has been on the public itself. The public is certainly looking upon the judiciary, the law enforcement, the legal procedures, and indeed the government, as being somehow off on some philosopher's cloud, in some other world, and not tuned in to the reality of law enforcement. There is no way that the individual citizen who knows that a person—and feels that a person has committed a crime—when he sees that person acquitted on a purely technical ground of very recent origin, that member of the public looks upon all of us with a jaundiced eye.

Senator MCCLELLAN. Do you feel that this has some impact upon the morale of the policeman?

Mr. MOYLAN. Very definitely.

Senator MCCLELLAN. Not that they don't want to do their duty, but to the extent that they are frustrated in knowing how to do their duty without making themselves vulnerable to judicial criticism.

Mr. MOYLAN. I think that very definitely is true, Senator. There is a great deal of truth to the current axiom that we are demanding that the policeman make the split decision at 3 o'clock in the morning in some alley that the courts may debate for the following 5 years, and even at the end of 5 years debate is split by a 5 to 4 vote.

Senator MCCLELLAN. You expect the policeman on that beat, under circumstances surrounded with danger, to act, as you say, on the spur of the moment, in a split decision. But then if he makes a wrong decision, why the case invloved may go to the Supreme Court. And there, after months of deliberation, they also make a split decision but instead of in a split second, they deliberate for months and make a split decision. Is that correct?

Mr. MOYLAN. That is very definitely the feeling of our policemen.

Senator MCCLELLAN. So that it is frustrating. Now, I would like for you, if you will, to supplement what you have testified to on this issue by giving us, if you can, if a survey has been made, or if you can make one, how many of the 72 have since been arrested and charged with crime.

I don't know whether any of them have been convicted or not in the short time. But you mentioned one that is back in the throes of the law, and there may be some others. If it is not too much trouble, just take this 72 as kind of a criterion as to what is happening throughout the country. I don't know that it would be exactly representative but it gives us some indication of the impact these decisions have on crime and the increase in crime. If these people who are released are committing crime again or are back in prison, they obviously wouldn't be committing these crimes today. Therefore to that extent the rate of crime would be decreased. And to the extent that they do commit crime again, to that extent the rate of crime is increasing, isn't that correct?

Mr. MOYLAN. I can have that checked into. And I am sure it would be a significant figure even over a 9-month period.

Senator MCCLELLAN. I would like for you to submit that for the record, if you will.

Go ahead.

Mr. MOYLAN. I know that the time of the committee is short. So very briefly, in all three capacities, again I simply indicate my support of Senate bill 675, the wiretapping bill.

Senator MCCLELLAN. You heard Mr. Cahn testify, did you not?

Mr. MOYLAN. Yes.

Senator MCCLELLAN. You may go ahead.

Mr. MOYLAN. Maryland is one of the roughly half a dozen States around the country, along with Oregon and New York, that does have a limited wiretap or electronic surveillance now available to us. I don't think that we or the others use it quantitatively to the extent that New York does. But we do have available to us the right, if the State's attorney himself applies to a judge and takes in sworn witnesses and makes out an application for the court order, with all of the probable cause that normally goes into an application for a search and seizure order, if he can point out that this is the only reasonably accessible means by which we can ascertain the crime, in those circumstances, and pointing out a very definite phone with a very definite purpose in mind, he can obtain a court order.

In Maryland we have found that despite the fact that the Maryland law permits us to do this the lack of a Federal law such as Senate bill 675 has operated effectively to frustrate us. The Baltimore Metropolitan Police Department does not have wiretap operators. Even when we are operating with the court's permission, we or any other law-enforcement officer must depend upon the cooperation of the local telephone company. Our experience with the Chesapeake & Potomac Telephone Co. in Maryland is that they will not honor the local judge's order for fear that they would be violating the law of Congress and would get themselves into trouble with the Federal Communciations Commission. So even though we can obtain the court order, we cannot utilize that order, because without the cooperation of the telephone company there is no effective way with personnel available that we can place a wiretap.

As an indication that it does not lead to any great quantitative abuse in the two and a half years that I have been State's attorney, and the year and a half before that deputy State's attorney, in the 4-year period we have in Baltimore City had cause to utilize either an order for a wiretap or an electronic surveillance, the eavesdropping device, only on six occasions, but in four of those occasions it has very definitely led to convictions that would not otherwise have been obtained without it.

Senator MCCLELLAN. In what area of crime?

Mr. MOYLAN. It does not, as in Senator Kennedy's question, get to the massive cartel of organized crime. In one it dealt with some members of the State legislature who were also attempting to shake down a defendant in a Baltimore City courtroom by promising to get a witness out of town so that he would not testify against that defendant for the sum of something in the neighborhood of $5,000.

Senator MCCLELLAN. That involved corruption of officials?

Mr. MOYLAN. Corruption of officials.

We obtained convictions against both, and would not have but for the wiretap which we had in that particular case.

In another case an individual from New Jersey had come into Maryland representing one of the black-market pharmaceutical houses, and was distributing the amphetamines and barbiturates, the pep pills and goofballs to teenagers all over the north Baltimore area. We obtained an electronics eavesdrop order in that particular case, and obtained a conviction against them, and actually recovered contraband which he had which was in the neighborhood of 200,000 of pep pills and amphetamine.

Senator MCCLELLAN. That number of pills, or that number of dollars?

Mr. MOYLAN. That number of pills. And in this and several other areas we find that the lack of the real ability to utilize our Maryland law because the phone company is fearful of the congressional law prevents us from really getting into the organized crime area.

Senator MCCLELLAN. You say it is a useful tool, though, and needed?

Mr. MOYLAN. It is a useful tool, very definitely needed.

The frustrating thing when we deal with the lottery industry and with the bookmaking is that we get the small operator on the street where the policeman can make direct surveillance and can observe the operation. But we can never trace it to the man higher up, to Mr. Big, the banker, and higher up, with techniques such as this. We find that in the bookmaking area, at least, in the Baltimore area today the telephone is used almost exclusively. A bettor may call in from a phone in Baltimore City, but will not even call the bookie in the city, he will call to an adjoining county. The money might be delivered that afternoon to Anne Arundel County. So that one simple placing of a bet may involve three different jurisdictions. And without the ability to find out what is going on on the phone we are virtually powerless. And today we are seeing in the bookmaking area, at least, a device that I am sure this committee is familiar with by the name of a cheesebox. I don't want to retread old ground if the committee is familiar with this.

Senator MCCLELLAN. Just briefly.

Mr. MOYLAN. The cheesebox is a device—we will find a bookie coming into Baltimore, renting a room in a low-rental area of town, an empty room, and calling the telephone company and saying, "I am going to be in town for a period of months, I am a salesman, and I want to rent two phones."

The phone company will come and install two telephones right here in this room on the floor. He says his furniture is coming a week later.

He will then take a cheesebox, a rather simple electronic device—it took a genius to

come up with it, and it only costs $16 to reproduce.

He disconnects the two phones and connects them with each other through this cheesebox. Then he can lock the door and leave that apartment and never come back. He could never be found on the scene of the crime. He will continue to pay his phone bill by money order or cash, and he will pay the rental of that room by money order or by cash, and he will never return to that vacant room. But between 11 and 1 o'clock every morning he will, from California, 3,000 miles away, or from a public phone both 100 yards away, or his home, or any other place, shifting around, call in to the one phone, and it will activate it. And all the people wishing to place the bets have the number of the second phone. So they during that 2-hour period can keep calling in to the second phone. There is no recording made or no record in the phone company by which they could check this phone being used. It is transferred over immediately, it comes in one phone and goes out the second back to this man either a hundred yards away or 3,000 miles away. And there is no way that the phone records, even if they could be subpenaed, would show any record of this conversation.

Senator McCLELLAN. The only way that you could catch that kind of an operation is by wiretapping?

Mr. MOYLAN. We would have to get into the wires themselves. The people can go and break into the room, and all they will find is an empty room with two phones sitting on the floor with a $16 box sitting halfway in between.

Senator McCLELLAN. Is that the device frequently used?

Mr. MOYLAN We are finding it more and more in the area. The phone people tell us that some of the sophisticated devices that are being used in this area today are incredible. This was the primitive early model, like the Hiroshima bomb.

Senator McCLELLAN. There are more sophisticated ones now?

Mr. MOYLAN There are blue boxes and black boxes that can be carried in an ordinary businessman's attaché case that can enable you to pick up your phone in Baltimore, and if you want to call somebody in Las Vegas and pay off big money, you don't call Las Vegas, because there would be a record of that, you call Washington, D.C., information, and you get six of the digits out, and just before the last digit comes out a high frequency beep goes into this phone, and it suddenly hooks you into the Washington system, and you start dialing again, and call Los Angeles. And the record of that is that it was Washington information that called Los Angeles rather than a particular phone in Baltimore.

The technological sophistication of these people today—you could repeat the process, your phone call from Baltimore to Los Angeles could go by way of Miami to Los Angeles, to Portland, Oreg.—there is no limit to the number of different systems you can connect into.

Senator McCLELLAN. What kind of surveillance, aside from the wiretap electronic device, could possibly detect and discover that sort of an operation?

Mr. MOYLAN. Unless there were a penetration agent, which takes literally years, who worked himself up into the criminal organization, short of that there would be no way to detect anything like this.

Senator McCLELLAN. You can't always do that; can you?

Mr. MOYLAN. And you cannot always do that. And frequently those penetration agents end up themselves——

Senator McCLELLAN. And that risks the life of the man who penetrates; doesn't it?

Mr. MOYLAN. Very definitely. And local police departments just don't have the personnel available for that FBI-Scotland Yard-CIA type of penetration effort.

I think that if I could sum it up, the frustrating thing is that the court on the one hand is telling us to abandon the time-honored devices—now, under *Mapp* v. *Ohio* you apply an exclusionary rule and don't use the physical evidence which you have used in the past, and now under *Miranda* you get rid of confessions—but when they are telling us that on the one hand, they are saying, use instead more sophisticated scientific techniques. And yet when we listen to an admonition on the one hand and turn around and attempt to use a more sophisticated technological technique, we find that we are absolutely frustrated by not being permitted to go into this area either.

Senator McCLELLAN. They tell you to use them and they deny you the use of them.

Mr. MOYLAN. That really is the case. It is a case of damned if you do and damned if you don't. We cannot use the old method or the only available alternative which we are aware of.

Senator McCLELLAN. Any questions, Senator Ervin?

Senator ERVIN. When the Government, whether it be the State or Federal Government, prosecutes a man for crime, the prosecution has to prove two things beyond a reasonable doubt; does it not? First, that a crime has actually been committed; second, that the accused is the person who committed the crime?

Mr. MOYLAN. That used to be all we had to prove.

Senator ERVIN. That was the fundamental law prior to some of these legal jungles we have wandered into lately?

Mr. MOYLAN. Yes, Senator.

Senator ERVIN. Now, a confession, even voluntarily made, is not admissible under the law to establish the fact that a crime has actually been committed?

Mr. MOYLAN. Basically that is true. We have to prove the corpus delicti, the fact that the crime is committed. We may use a confession to help, but we have got to have some independent corroborating evidence. We essentially do that without a confession.

Senator ERVIN. In other words, a prosecution would totally fail if there were not independent evidence of the corpus delicti itself?

Mr. MOYLAN. That is correct.

Senator ERVIN. So as a practical matter, a voluntary confession is ordinarily used as a method of identifying the perpetrator of the crime rather than showing the crime itself?

Mr. MOYLAN. Very definitely.

Senator ERVIN. Now, is it not true that in many cases the confession was a decisive factor which convinced the jury of the guilt of the accused?

Mr. MOYLAN. In many, many cases. And particularly do we find this true in those crimes where there simply is not an eyewitness to the murders, to the rapes, particularly if the rape victim died or was not able to identify the assailant in the dark, or the confession was the single decisive factor in establishing the identity of the assailant.

Senator ERVIN. And is it not true, especially in urban centers, that in a high percentage of crimes the crime was committed under circumstances where the victim does not have a reasonable opportunity to identify the perpetrator of the crime?

Mr. MOYLAN. Absolutely. The yokings, the rapes, all of these were at night. And we are finding more and more even in armed robberies the use of the stocking mask, the mask over the face, to frustrate eyewitness identification.

Senator ERVIN. So for that reason it is highly important to the enforcement of the law that a voluntary confession should be admissible to establish the identification of the perpetrator of a crime which has been established by independent evidence?

Mr. MOYLAN. Very definitely, in these areas, at least. If we were talking about embezzlement, larceny, to just confessions, the lack of them wouldn't hurt us very much.

But when you are talking about murder, rape, robbery, burglary, the typical felon is violent, those are the areas where we are dependent upon the confession.

Senator ERVIN. And it handicaps you in a most crucial aspect of law enforcement; that is, identifying the perpetrator of a crime established by independent evidence?

Mr. MOYLAN. Very definitely.

Senator ERVIN. Now, can you imagine, either from the standpoint of theory or from the standpoint of practicality, any more convincing evidence of the guilt of a party than his voluntary confession that he committed the crime with which he stands charged?

Mr. MOYLAN. The most convincing of all. That is why the juries are convinced by it. And juries always have that lingering doubt if they do not give that confession.

Senator ERVIN. Now, as a matter of fact, except in cases of what you might—you might call repeated and hardened criminals, the average man talks about the things he is thinking about. And where he has committed a crime he thinks about the crime, and it is very natural for him to talk about it, isn't it?

Mr. MOYLAN. It comes out.

Senator ERVIN. So from the standpoint of rehabilitation of those who violate the law, a confession is a desirable thing, in that you can't do much to rehabilitate a man unless he is willing to confess that he has been wrong, can you?

Mr. MOYLAN. Absolutely. I think a man who beats the rap is not one who is anxious for rehabilitation. He is simply enforced in his belief that crime does pay.

Senator ERVIN. Now, if I recall correctly, the Uniform Crime Report for 1965 states in substance that of those persons who are sentenced for crime, for serious offenses, 46 percent of them repeat their crime or some similar crime within 2 years of their release from serving a former sentence. What has your experience been in prosecuting criminals in Maryland in respect to crimes of this type?

Mr. MOYLAN. I know subjectively from my own personal prosecution of roughly 4,000 cases, and the experience of our office, and indeed in talking to the warden of the State penitentiary, that probably our recidivist rate runs even a little bit worse than the national rate.

By the time we get a 28- or 30- or 32-year-old burglar, robber, we find that he has been in six or eight penal institutions dating all the way back to the time when he was 16 or 17 years old. We find a terrible rate of recidivism.

Senator ERVIN. I would like to ask you a few questions to educate laymen as to exactly what is involved in a random case. Is it not the case, as general rule of law, that an appellate court can make its decision in a case on appeal on the basis of the record made in the trial court?

Mr. MOYLAN. Yes.

Senator ERVIN. Now, I will ask you, if the record in the trial court doesn't indicate that the *Miranda* case this man Miranda was charged with kidnapping and criminal assault on a woman?

Mr. MOYLAN. Yes; in Arizona.

Senator ERVIN. And he was arrested by the officer, and detained in custody, and no coercion was practiced upon him, and there was no inducement held out to him to confess, and no third degree methods were employed. And then after a lapse of 1, 2, or 3 hours he voluntarily told the police who had him in custody that he had committed these crimes. And he was convicted of those crimes, wasn't he?

Mr. MOYLAN. Yes.

Senator ERVIN. And that is the record on which the case was tried in the courts of Arizona?

Mr. MOYLAN. And affirmed in Arizona.

Senator ERVIN. And then it came here to the Supreme Court. And the majority opinion, instead of dealing with the facts, or making their decisions based on the facts in the

*Miranda* case, contains page after page of quotations from the citations of various persons who were not witnesses in the court of Arizona and who were not subject to cross-examination either.

Mr. MOYLAN. Going all the way back to the Magna Carta, I believe, Senator.

Senator ERVIN. You don't have to comment on this, but when I read that I came to the conclusion that the majority thought that perhaps society didn't need too much protection from criminals, but that criminals needed protection from law enforcement officers.

So the decision of the majority was based, as far as facts were concerned, not on the facts adduced in the trial court in Arizona, but on the writings of persons who were not witnesses in Arizona, and whose qualifications were not revealed, and who were not subjected to cross-examination.

Mr. MOYLAN. That is right. And I believe the justices themselves, at least in the three-man majority, occasionally used the phrase "policing the police" instead of judging the individual case on its merits, but seizing the occasion, rather, to propound the general formula for law enforcement all over the country.

Senator ERVIN. Chief Justice Marshall said that when a court undertook to interpret the Constitution it should do it on the basis that the people who drafted and ratified the Constitution meant what they said. Is that not a good rule for interpretation?

Mr. MOYLAN. I think an excellent rule.

Senator ERVIN. Now, is it not the function of the Court to interpret the Constitution for the purpose of ascertaining what the Constitution means and give an effective——

Mr. MOYLAN. I think so, within limits. I might differ just a little bit there. But I don't differ with the major thrust of your argument. What the Court is doing in this whole revolution since 1961 is bringing into the due process clause of the 14th amendment various provisions of the first 10 amendments which prior thereto had limited only the Federal Government. And the reason it is doing it, and reversing some of its old decisions, is because they hold, as I think is best expressed by Mr. Justice Frankfurter some years ago, that the due process clause is an elastic clause, and can change with changing times, that in this enlightened society, we might do something contrary to fundamental fairness while this would not have been so regarded back in 1850 or 1789. However, even though I think they have that right to be flexible, at least judicial restraint is called for, that the States ought to be out in front of the Supreme Court rather than the Supreme Court in front of the States, that they are propounding simply those minimal standards, not setting up an ideal that they hope law enforcement will aspire to 100 years from now, but setting up simply the minimal standards. And this is the reason I think they have misread the national consensus on fundamental fairness. And I think that is why Senate bill 674 has a profound importance far beyond what it would do directly for the Federal law enforcement system, because it is the most effective Gallup poll or Harris poll of what the national concensus is in this area.

Senator ERVIN. Of course, there are differences of opinion among the bar now. But I think that anyone who reads the original Constitution with the provision for amendment will have to come to the conclusion that James Madison and others who drew that instrument thought that the meaning could not be changed except by an amendment made in the manner prescribed by article 5. They didn't intend to vest the judges with constitutional amending capacity or lawmaking capacity.

But the due-process clause might be described legally as a clause that is general in its terms, as contrasted with such specific things as some other provisions of the Bill of Rights, such as the self incrimination clause of the fifth amendment.

Now, has it not always been a rule of construction of documents and laws and the Constitution that where you have a general clause and a specific clause, that the one which is entitled to be given the superior power is the specific clause rather than the general?

Mr. MOYLAN. Very definitely, that is good common law statutory interpretation.

Senator ERVIN. Now, the *Miranda* case attempts to justify the new requirements laid down in that case by what we ordinarily call the self-incrimination clause of the fifth amendment, does it not?

Mr. MOYLAN. Yes.

Senator ERVIN. Aren't these the words of the self-incrimination clause of the fifth amendment: "No person shall be compelled to be a witness against himself in any criminal case"?

Mr. MOYLAN. Those are the precise words.

Senator ERVIN. Now, those words became a part of the Constitution in 1791. And I would ask you, from the time they became a part of the Constitution in 1791 down to the 13th day of June 1966 when the *Miranda* decision was handed down, was it not held that they had no possible application to voluntary confessions?

Mr. MOYLAN. None whatsoever.

It simply meant that a man is not required to take the witness stand at the trial. And that is the reason that, even beginning in 1937, when a more conservative court began to overrule certain confession cases, it utilized not the self-incrimination clause, but just the more general due process clause of the 14th amendment.

Senator ERVIN. In other words, they held that under the due process clause a voluntary confession was admissible, and an involuntary confession was not admissible; and until the *Miranda* case they held that a person charged with a crime could not even invoke the self-incrimination provision of the fifth amendment as a basis for excluding his confession.

Mr. MOYLAN. That is correct.

Senator ERVIN. The question was decided in the first instance, was it not, by the trial judge who heard the evidence and saw the witnesses and was best able to decide whether the confession was prima facie voluntary or not?

Mr. MOYLAN. The trial judge in Phoenix held that it was not involuntary. The Arizona Court of Appeals, Arizona's highest court, affirmed his decision. And then it was for the first time at the Supreme Court level that the fifth amendment was brought into the discussion.

Senator ERVIN. Now, you have undoubtedly had many cases prior to the *Miranda* case in which objection was offered to evidence upon the ground that it was involuntary and therefore inadmissible under the due-process clause or a comparable provision of the State constitution. That is the question which is a question of fact in the first instance by the trial judge, is it not?

Mr. MOYLAN. Yes.

Senator ERVIN. I would like to ask you, it is not a difficult decision in the great majority of cases for the judge to make, is it?

Mr. MOYLAN. Certainly they have made it in all cases. Sometimes it is more involved than others. But basically with all of the guidelines that the Supreme Court gave us in 1937 through 1965, trial judges and jurists did make that decision, the totality of circumstances, weighing all of the factors, they finally decided whether John Jones' confession was voluntary or was not voluntary.

Senator ERVIN. You needn't comment on this, but in my opinion, the judge who is not competent and can't be safely trusted to make the decision after seeing the witnesses and hearing the testimony as to whether the confession is voluntary or not cannot be safely trusted to make any other decisions as a judge. And that would apply to every other function that he has to fulfill as a judge. I have to pass on voluntary confessions many times as a judge. And as a result I would say they are not very difficult one way or the other. Some of them, as you say, are more complicated than others. But most of the time it is a rather simple question.

Mr. MOYLAN. Rather simple, generally.

Senator ERVIN. Now, if you give the words of the Constitution which I quoted, the self-incrimination clause, literal meaning, they can't possibly have any other reference whatever to a voluntary confession, can they, in the first place, because they only apply to compelled testimony, and a voluntary confession is voluntarily made?

Mr. MOYLAN. Yes, it would not be compelled.

Senator ERVIN. And in the second place, as you observed a while ago, they cannot apply to a confession made by a person in the custody of an arresting officer because he is not a witness in that capacity, is he?

Mr. MOYLAN. It would never apply to antecedent to the actual courtroom appearance in its original meaning.

Senator ERVIN. It would only require a witness to testify under the rule of court, something of that kind?

Mr. MOYLAN. Very definitely.

Senator ERVIN. And in the third case it cannot apply, because a conversation between an arresting officer and a suspect is not testimony in any case of this kind? In other words, the third reason that it cannot possibly apply according to the English language is because it can only apply where it is a judicial decision?

Mr. MOYLAN. Very definitely.

Senator ERVIN. So it is really difficult to me—you needn't comment on this—I am incapable of comprehending how any man who believes in attributing to simple words their plain and obvious meaning could even reach the conclusion that the self-incrimination clause has any possible application to a voluntary confession.

I won't ask you to comment on that.

Mr. MOYLAN. I know it troubles most lawyers.

Senator ERVIN. I just can't follow the mental process of understanding how anyone who believes the Constitution ought to be interpreted according to what it says can reach the conclusion.

Now, doesn't the Court itself recognize that it was changing the meaning of the Constitution because the majority opinion refers in several instances to the requirements we enumerate today?

Mr. MOYLAN. Yes. And that is the reason it did not make it retroactive.

Senator ERVIN. By making it appear as part of their own confession—I will say according to their own confession—they were making a new law on that basis?

Mr. MOYLAN. And they acknowledged as much.

Senator ERVIN. That knowledge existed among them at that time.

And I will ask you, whether the very next week they were not confronted by the question in *Johnson* v. *New Jersey*, whether they would make these new requirements which they said were justified by a provision of the Constitution that had been there for 175 years applicable to cases which arose before the *Miranda* case?

Mr. MOYLAN. They were confronted with it.

Senator ERVIN. And they held in the *Johnson* case that it would not be retroactive?

Mr. MOYLAN. Because they acknowledged that the case had been relying upon their earlier pronouncements.

Senator ERVIN. So thereby they rule that the confession as it has been for 175 years under the Constitution had changed its meaning on the 13th day of June 1966.

Now, can you think of any rules that could be better drawn to prevent anybody

from ever making a voluntary confession than the requirements laid down in the *Miranda* case?

Mr. MOYLAN. The four rules laid down there are intended to cover the waterfront. The whole purpose is to keep the defendant from confessing.

Senator ERVIN. And under the rule in the *Miranda* case if you had a very highly educated dean of a law school in the United States who was arrested for speeding, and he made a confession without being warned of these constitutional rights, it wouldn't be admissible evidence?

Mr. MOYLAN. It wouldn't be admissible under *Miranda*.

Senator ERVIN. What percentage of criminals charged with serious crimes do you think there is who do not already know that they don't have to say anything, and who do not already know that anything that they say can be used against them, and who do not already know that they have a right to a lawyer?

Mr. MOYLAN. The bulk of them, if they are over 21 years of age and have been in court before, know their rights. And under the old rule that the bill would return to, this is one of the factors that you would look at. Perhaps not warning a man who is 17 who has never been in trouble, would render a confession involuntary. But if it is the 30-year-old repeated offender, then it is deemed that he is courtwise enough to know his rights. And that is why I think the old standard was an immeasurably superior one to the one we have today.

Senator ERVIN. So under *Miranda*, as a practical matter, courts are compelled to dismiss cases in which serious crimes are charged because in many of those cases a police officer doesn't tell the accused something which the accused already knows?

Mr. MOYLAN. Absolutely. There is no discretion left. The rule is absolute under *Miranda*.

Senator ERVIN. And the tragedy, is it not, is that this decision tilts the scales of justice in favor of the criminals against society and the victims of crime, overlooking the fact that society and the victims of crime are just as much entitled to justice as the accused?

Mr. MOYLAN. Very definitely, Senator.

Senator ERVIN. Thank you.

Senator MCCLELLAN. Thank you very much.

If I had time I would ask a few more questions. But time is short.

We appreciate your appearance very much. The material that we asked you to supply, please do so at your convenience. And anything you want to add to your statement you may do so in a supplemental statement which we will place in the record.

Mr. MOYLAN. Thank you.

Senator MCCLELLAN. The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:40 p.m., a recess was taken until 2 p.m. this same day.)

Mr. TYDINGS. Mr. President, for the RECORD, when the Miranda case was handed down, there were a number of cases, not only in Maryland but in other jurisdictions, in which evidence was obtained by confessions which did not meet the Miranda decision. These were so-called pipeline cases—that is, cases actually in process at the time. In those cases that were actually in the pipeline, the prosecutor either had to get additional evidence or, if he could not and his evidence rested solely on confessions in those cases which were not within the standards of Miranda, he had to dismiss them and start over again.

However, those were the cases in the pipeline. My point is that I do not think Mr. Moylan, or anyone else, has had an opportunity to testify on title II in its entirety, as reported to the Senate.

It is my feeling, Mr. President, that these constitutional safeguards are so important that they deserve the widest scrutiny and the widest study, and should not be acted upon hastily, with the thought that they are going to be immediately a great factor in law enforcement in the United States, because in my judgment, they will only create confusion, and ultimately will be overturned by the Supreme Court again; but in the meantime, during a long period of time, we will have bewilderment, uncertainty, and confusion over the issue of constitutional rights.

I ask unanimous consent to have printed in the RECORD at this point an excerpt from my individual views, found on pages 152 and 153 of the committee report.

There being no objection, the excerpt from the report (No. 1097) was ordered to be printed in the RECORD, as follows:

One specter raised by the proponents of title II that is easily put to rest is the suggestion that *Miranda* and like decisions are daily releasing vicious, and confessed criminals upon the public streets. This suggestion stems from the brief and unfortunate period immediately following the *Miranda* decision. In *Johnson* v. *New Jersey*, 384 U.S. 719 (1966), decided 1 week after *Miranda*, the Supreme Court held that the rules approved in *Miranda*, would apply to all defendants tried after June 13, 1966, the date of the *Miranda* decision. Thus, in a number of cases awaiting trial at that time, seemingly voluntary confessions obtained prior to the date of *Miranda* were inadmissible in evidence, and some cases involved heinous crimes were dismissed, amid great publicity. That situation was temporary, however, and is no longer a serious problem. So long as the procedures of *Miranda* are followed, any truly voluntary confession can still be made and will still be admissible in evidence. As the studies of the impact of *Miranda* suggest, most of the confessions lost in the wake of *Miranda* could today be saved.

Yet another specter raised by the committee majority must also be laid to rest. The suggestion is made that the harmful effect of *Miranda* will be compounded as the lower Federal courts expand its doctrine and extend its interpretation. Nearly 2 years of judicial experience under *Miranda* in the Federal courts of appeals have proved this suggestion false. The trend of cases to date shows a strong reluctance by the Federal courts to apply the requirements of *Miranda* except in obvious instances of formal custodial interrogation. If anything, the definition of custodial interrogation in *Miranda* as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom in any significant way" is receiving a highly restrictive interpretation. See, for example, *O'Toole* v. *Scarfati*, 386 F. 2d 168 (1st Cir. 1967) (statement to prosecutor by city official given chance to explain deficiencies held admissible); *United States* v. *Adler*, 380 F. 2d 917 (2nd Cir. 1967) (volunteered statements to FBI agent examining books of suspect's corporation held admissible); *United States* v. *Gibson*, 4th Cir. (March 1, 1968) (discussion of stolen car by defendant after State police officer asked him to step outside held admissible); *Yates* v. *United States*, 384 F. 2d 586 (5th Cir. 1968) (statements made to hotel manager holding suspect in conversation pending arrival of FBI held admissible); *United States* v. *Agy*, 374 F. 2d 94 (6th Cir. 1967) (incriminating reply to question asked by alcohol tax agent held admissible); *United States* v. *Holmes*, 387 F. 2d 781 (7th Cir 1968) (statement to selective service clerk held admissible); *Frohmann* v. *United States*, 380 F. 2d 332 (8th Cir. 1967) (statement to internal revenue agent making criminal investigation held admissible); *Williams* v. *United States*, 381 F. 2d 20 (9th Cir. 1967) (false statements to border-crossing guards held admissible); *Mares* v. *United States*, 383 F. 2d 811 (10th Cir. 1967) (statement to FBI by suspect free to leave held admissible); *Allen* v. *United States*, D.C. Cir. (January 25, 1968) (Statement made during detention after failure to produce auto registrtaion held admissible).

## SENATOR CARL HAYDEN

Mr. TYDINGS. Mr. President, a great American, a brilliant Senator, a pillar of this body, the living tradition of the Senate, CARL HAYDEN, has today announced his intention to retire after 58 years of service in Congress to his State and our Nation.

CARL HAYDEN has represented his State in Congress since its admission to the Union. He has served in the Senate for 41 years. We will all miss his wisdom, and his friendship. I know I reflect the views of all Senators when I wish Senator HAYDEN Godspeed.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 44 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 7, 1968, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 6, 1968:

SECURITIES AND EXCHANGE COMMISSION

Manuel Frederick Cohen, of Maryland, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1973 (reappointment).

MISSISSIPPI RIVER COMMISSION

Roy T. Sessums, of Louisiana, to be a member of the Mississippi River Commission, for a term of 9 years, vice DeWitt L. Pyburn.

Maj. Gen. Clarence C. Haug, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37) (33 U.S.C. 642), vice Brig. Gen. William T. Bradley, reassigned.

POSTMASTERS

The following-named persons to be postmasters:

CALIFORNIA

Robert P. Graves, Hollister, Calif., in place of D. F. Cox, retired.

Megan M. Mery, Inverness, Calif., in place of M. L. Mery, Jr., retired.

John F. Fahy, San Anselmo, Calif., in place of M. A. Dos Reis, Jr., retired.

Mary D. Souza, Snelling, Calif., in place of M. M. Hale, retired.

DELAWARE

Margaret C. Kates, Felton, Del., in place of R. E. Hughes, retired.

ILLINOIS

William D. Holland, Warren, Ill., in place of V. C. McGinnis, retired.

INDIANA

Erskine L. Crosby, Ramsey, Ind., in place of R. E. Pinaire, retired.

IOWA

Millard E. Anderson, Creston, Iowa, in place of W. G. Strunce, retired.

Thomas J. Schluttenhofer, Rutland, Iowa, in place of E. J. Bradley, transferred.

KANSAS

Leroy V. Carroll, Bonner Springs, Kans., in place of Jane Waters, retired.

Lawrence Morrow, Gridley, Kans., in place of D. G. Worrell, transferred.

Elmer W. Schamahorn, Lindsborg, Kans., in place of M. H. Christian, transferred.

KENTUCKY

W. Preston Bugg, Bandana, Ky., in place of T. C. Morton, retired.

Mildred Y. Cleek, Walton, Ky., in place of D. H. Vest, retired.

MARYLAND

Thomas C. Hayden, La Plata, Md., in place of J. W. Scott, transferred.

MICHIGAN

Clement J. Cassette, Mohawk, Mich., in place of J. F. Jackson, retired.

Truman R. Horton, Oxford, Mich., in place of I. J. Awrey, retired.

Melvin C. Muehlenbeck, Saginaw, Mich., in place of W. A. Munroe, retired.

Clifford L. Turcotte, Stambaugh, Mich., in place of J. J. Corbett, deceased.

MISSISSIPPI

Edith M. Payne, Lauderdale, Miss., in place of R. E. Payne, deceased.

NEBRASKA

Boyd M. Alexander, Ansley, Nebr., in place of H. M. Knapp, retired.

NEW JERSEY

James DeBiase, Passaic, N.J., in place of D. M. McArdle, retired.

NEW YORK

Evan O. Williams, Bridgewater, N.Y., in place of B. L. Stevens, retired.

Frances M. Grems, Westernville, N.Y., in place of B. C. Thomas, retired.

NORTH CAROLINA

Joy R. Wingate, Edneyville, N.C., in place of J. W. Nesbitt, retired.

NORTH DAKOTA

Roland J. Nelson, Churchs Ferry, N. Dak., in place of A. M. Sorlie, retired.

OREGON

Maxine E. Spitznass, Powers, Oreg., A. L. Lane, declined.

PENNSYLVANIA

Lydia E. Harris, Valencia, Pa., R. W. Kramer, deceased.

SOUTH CAROLINA

J. William Douglas, Columbia, S.C., W. O. Callahan, deceased.

Robert E. Batten, Wedgefield, S.C., P. M. Dwight, retired.

TEXAS

John B. Stevenson, Johnson City, Tex., Stella Gliddon, retired.

WASHINGTON

Ray J. Balcom, Vancouver, Wash., O. L. Hanson, retired.

WEST VIRGINIA

Nellie A. Wylie, Gap Mills, W. Va., S. A. Patton, retired.

IN THE NAVY

*To be vice admiral*

Having designated Rear Adm. John V. Smith, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

IN THE MARINE CORPS

*To be lieutenant general*

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. William J. Van Ryzin, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section. I nominate him for appointment to the grade of lieutenant general while so serving.

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy, subject to qualifications therefor as provided by law:

David E. Adams, Jr.
Loran M. Adams
John C. Adamson
Richard T. Ahern
Terry J. Allen
Lindsey D. Alley
John H. Almy II
Robert B. Amidon
Edwin D. Ammerman
John F. Anderson, Jr.
Stephen G. Anderson
William B. Anderson
Stephen M. Arcana
Stephen M. Arlett
Robert J. Arneson
Thomas E. Arnold
Terrence G. Atkins
Garwood W. Bacon
James P. Bahringer
Michael E. Ball
Charles L. Bambenek
Lewis M. Barasha, Jr.
Leland R. Barber
Paul R. Bartlett
James F. Barwick
Felix J. Bassi
William V. Bast
Raymond E. Baum, Jr.
Ronald B. Bauman
Frederick B. Bayer
Scott A. Beck
John J. Becker, Jr.
Winfield A. Becker, Jr.
Robert W. Beckwith
Darvin E. Beedle, II
Dewey E. Beliech, Jr.
John F. Bell
Richard W. Bennett
Sigval M. Berg, Jr.
Jon C. Bergner
Ronald C. Berning
Thomas H. Berns
Carl T. Berry, Jr.
George R. Bieger
August J. Billones
George R. Bishop, Jr.
Peter B. Bishop
Harold D. Black
Dennis C. Blair
Frank "J" Blake
James A. Bogert
William T. R. Bogle
Harry G. Boggs, II
James W. Bohlig
Douglas M. Bomarito
Richard R. Borowiec
John R. Bowden
John C. Bowers
Michael T. Boyce
William S. Boykin, Jr.
Harold G. Boylan, Jr.
James C. Bradford
Johnny A. Bramblett
David R. Brandon
George L. Breeden, II
James K. Brengle
Roy L. Brennon, Jr.
Gilbert J. Brickler, Jr.
Frank R. Brletich
John R. Brooke
James M. Brown
Richard M. Brown, III
Robert E. Brown
Roger C. Brown
Richard A. Buchanan
Peter W. Bulkeley
Alois J. Burda, III
Gary C. Burger
Benjamin F. Burgess, III
John S. Burks
Richard F. Burns, Jr.
Barry V. Burrow
Douglas L. Busby
William R. Butler, Jr.
Harry O. Buzhardt, Jr.
Richard H. Buzzell
Michael J. Cahill
William J. Cannon
Harold F. Carpenter
Ronald F. Carpenter
James C. Carroll
Michael J. Carron
Lynn Carter II
John B. Cartwright
John J. Catania
William D. Center
Allan B. Chaloupka
Robert A. Chester
Christopher I. Chisholm
John H. Church
James S. Clark
Philip S. Clark, Jr.
William S. Clark, Jr.
Gordon A. Clefton
Clyde H. Climer
Richard S. Clover, III
Michael L. Coats
William W. Cobb, Jr.
Philip G. Coffey
Jay M. Cohen
Chris H. Cohlmeyer
Thomas A. Colbourn
Frederick B. Cole
Richard L. Coleman
Julian R. Coles
William T. Collins, Jr.
Thomas A. Comer
Philip P. Condron
Raymond P. Conrad
Joseph V. Conway, Jr.
James A. Cook
Jeffrey A. Cook
Ronald E. Cook
James B. H. Cookinham
John C. Cooley
Robert O. Corey, Jr.
Howard A. Corr
John P. Cosgrove
Allan J. Costlow
Michael C. Crabtree
Clark P. Crapps
Jerry W. Crawford
Robert O. Crawshaw
Robert A. Crotteau
James S. Cullen
Philip J. Curtis
Richard M. Curtis
David L. Dailey
Thomas M. Daly
Robert B. Danberg
Michael E. Danesi
Richard J. D'anna
Harold B. Dantone
Herman L. Dantzler, Jr.
James A. Dare, Jr.
Gregory J. Davies
Dudley L. Davis
John P. Davis
William A. Davis, Jr.
William R. Davis
Robert A. DeHoll
James D. Deimler
Kevin F. Delaney
John G. Dempsey
Jeffrey H. Desautels
John R. Dew
John D. Dickinson
Peter B. Diefendorf
Dennis P. Dilley
William P. Dixon
Thomas F. Donlon, Jr.
Edward H. Doolin, III
William C. Dow
William M. Downing, IV
John S. Doyle, Jr.
Edward C. Dozier
Frank D. Drake
John C. Dranchak
John L. Drury
Melvin S. Dry
Raymond A. Dudderar, Jr.
George C. Dufford, Jr.
Timothy W. Duffy
Robert F. Duggan
Paul R. Dukes, Jr.
Jeffrey M. Dumas
Michael J. Duncan
James T. Dunn
Kevin R. Dwyer
Stephen M. Dwyer
Otis K. Earle
Lael R. Easterling
Guy A. Eastman
Robert A. Eaves, Jr.
Robert W. Eberth
Arthur L. Edwards
David A. Edwards
Wilbur E. Edwards, Jr.
Lawrence B. Elliott
Richard F. Elliott
Robert R. Elliott
James A. Elsner
Sidney W. Emery, Jr.
Robert S. Erb
Wayne Errickson
John P. Esposito
Steven M. Etter
Robert S. Evans
Richard D. Evert
James S. Fal
James A. Farkas
James P. Farrell
Gerald E. Fastabend
Herman V. Felger
Richard J. Ferenchick
David M. Ferrell
Richard L. Ferris
Ronald E. Fiandaca
Carl G. Finefrock
Edward F. Fischer
Gary L. Fishman
Michael J. Fitzgerald
Anthony J. Flarey
Michael H. Fletcher
Thomas J. Flynn
Charles R. Fontz
Anton P. Fossum
Charles K. Foulsham
James R. Fox
Steven M. Fox
Gary E. Francis
Joe L. Frank, III
Timothy M. Frank
Charles D. Freeland
Richard W. French
Stephan J. Froggett
Benjamin C. Fromme
Joseph F. Fry
Paul G. Gaffney, II
Carl A. Gaines, Jr.
Paul G. Galentine, III
Philip D. Gallery, Jr.
George H. Gardner, III
Ned W. Garrigues
Everett B. Gaston
John K. Gates
Michael T. Gaul
Ralph J. Gemelli
Stephen M. Genstil
Thomas R. Germani
Robert J. Gilleskie
Joseph W. Gilmartin, Jr.
Larry R. Givens
Duane L. Glisan
Terry L. Glover
Joseph C. Glutting
Rocklin E. Gmeiner, Jr.
Daryl L. Goetz
Paul A. Good
Glenn F. Gottschalk
Roy E. Graham, Jr.
Gary M. Grant
Lawrence A. Gray
William J. Green
Robert E. Griffin, Jr.
Barry R. Grimm
Michael D. Grulli
Shelby S. Guilbert
Martin A. Gunther
Zenas N. Gurley
Howard K. Haines, II
Denis S. Hallman
Stephen G. Haines
Russell L. Hallauer
John W. Hamilton
Peter E. Hamre
Steven P. Hannifin
John D. Hanrahan
Henry R. Hanssen, Jr.
Joseph L. Harford
Tommie D. Hardin
Wynn A. Harding
James W. Harmon, Jr.
Larry J. Hart
John Harty, III
Donald R. Hay
Thomas Hayes
Donald J. Healy
Thomas W. Hearn
Craig R. Heckert
William J. Heid
Thomas C. Heilmann
John W. Heintz, Jr.
Gordon "E" Heitzman
Richard B. Hepler
Dale W. Hendricks
Charles B. Henke
Russell H. Hermanson
James W. Heubach
Stormy T. W. Hicks
Alfred H. Higgs, Jr.
Donal M. Hill
Donald E. Hinsman
Edward J. Hintz, Jr.
Gary J. Hirsch
David A. Hodgson
Gerald L. Hofwolt
John P. Hogan
Walton L. Hogan, Jr.
Francis K. Holian
Robert G. Holihan, Jr.
Edward R. Hollyfield
Richard T. Holmes
Robert A. Holmes
James O. Honigschmidt
Craig G. Honour
Raymond J. Hopkins
Kenneth A. Horne
Lance C. Horne
Gregory Horney
Phillip G. Hough
Thomas C. Houghton
Eric J. Houin
William B. Howe
George H. Huban, Jr.
Robert L. Huggins
Roger N. Hughes
Woodrow W. Hulme, II
John D. Hunter

James E. Hurston
John G. Hutchins
Richard W. Hyde, Jr.
John P. Hydinger
Carl B. Ihli, Jr.
Kenneth W. Ilgenfritz
Thomas N. Inglis, III
Dennis W. Irelan
Mark E. Jacobson
Gary D. Jensen
Jay L. Johnson
Robert L. Johnsen
Quentin C. Johnson
Stephen A. Johnson
Harland W. Jones, Jr.
Michael A. Jones
Stephen K. Jones
Richard M. Kadlick
John E. Kane, Jr.
William J. Kane
Philip J. Katauskas
Chris L. Katsetos
Joseph J. Kavale
Mark B. Keef
Raymond A. Kellett, Jr.
John P. Kennedy
John F. Kent
James F. Kern
Mark R. Kevan
Raymond C. Kidd
Loyd J. Kiernan, III
James C. Kiffer
Hugh E. Kilmartin, Jr.
David P. Kimball
Eric H. Kirkpatrick
Richard C. Kjeldsen
John C. Klein, III
John C. Knapp
Ronald B. Knode
Karl V. Koenig
Kenneth E. Kolarcik
John L. Kosich
Edward L. Kosky
James J. Kosmicki
William H. Kraatz
Edward W. Kratovil
James T. Kroll
Richard P. Krulis
Karl O. Krumbholz
Charles A. Krupnick
Leo S. Kuehn
Orville A. Kollasch
Ralph J. LaDouce
Michael L. Lagow
Kevin J. LaGraff
Alexander Lai
Roger A. Lammers
John T. Lanning
John J. Lapicola
Bernard J. LaScala
Robert E. Lawrence, Jr.
Daniel B. Lear
David M. Lee
John W. Lee
Ronald S. Lemon
Michael E. Leppert
Robert E. Lewis
Michael D. Ligino
Russell J. Lindstedt, II
Alan G. Linberger
Douglas B. Little
Donley C. Logue, Jr.
Robert L. Long
Michael G. Longardt
James M. Longerbone
David M. Longeway
Albert R. Lopez
James A. Loutzenhiser
Robert G. Lucas
Joseph F. Lucey
John E. Ludwig, III
John M. Lydiard, III
John T. Lyons, III
Halbert S. D. McClure
Lawrence G. McConnell
Walter E. McCreary
William L. McDowell, III
Charles R. McGough
Edward C. McGowan, Jr.
Henry J. McGreevey
John F. McGuire, Jr.
Joseph R. McGuire, Jr.
Michael L. McHugh
John E. McIntosh
John R. McKee, Jr.
Phillip F. McKee
Arthur J. McLaughlin, III
Douglas D. McMahon
Paul R. McNaughton
Kent L. McQuerter
James S. McRoberts
John H. McRoskey
John J. Mackin
Kent V. L. MacNeill
Edward L. Madden
Robert W. Madel
Karl A. Mahumed
Thomas F. Martin
Stephen P. Marvil
Ward B. Masden, Jr.
Stephen H. Matheson
William C. Matthews
James D. D. Mauldin, Jr.
David G. Maxwell
Charles W. Mayer, Jr.
John F. Mayer, Jr.
Joseph D. Mazza
John F. Meckfessel
Lyle D. Meier
Michael D. Metcalf
William R. Metzger
Thomas R. Mewhinney
Dana F. Miller
Robert J. Miller
Jon M. Mills
John H. Milner
Stanley E. Miltko, Jr.
John F. Monroe
Arnold P. Moore
Charles W. Moore, Jr.
Kevin T. Moore
Leland T. Moore
Michael P. Moore
Walker D. Moore
James E. Morgenson
John N. Mortsakis
Daniel E. Moser, Jr.
Patrick G. Motl
Edward M. Mulhern
William M. Mulholland
Michael G. Mullen
Fred L. Muniz
Richard D. Munnikhuysen, Jr.
Charles R. Munsey, Jr.
David L. Myers
Richard G. Naedel
Richard J. Naughton
Lawrence M. Nawrocki
Peter A. Nawrocki
Theodore P. Naydan
Teddy M. Neal
Michael T. Neale
Bruce H. Needham
Robert H. Nelson
Thomas F. Neville
Samuel L. Newton
Richard J. Nibe
James P. Niehus
William C. Nierman
David S. Nimmer
Timothy A. Nobriga
Robert G. Nolan
Joseph C. Nolter
Wayne G. Nonoshita
William T. Ober, II
James P. O'Brien
Thomas C. O'Connor
Arthur T. Ogdahl
Cornelius F. O'Leary
Thomas W. Oliver, III
John F. Olsen
Michael W. O'Neil
John "H" O'Neill, Jr.
James K. Orzech
Eric L. Oser
John A. Osth
Stephen M. Owen
Robert S. Owendoff
James D. Owens
William W. Owens, IV
Phil "B" Padgett, II
William G. Paine, Jr.
Thomas G. Palkie
Michael J. Panchura, Jr.
Nelson R. Parda
Linton L. Park
Thomas L. Parker
Thomas V. Parry
Dwight S. Pattee
John C. Patton
James A. Pearson
Alfred A. Pease
Kendell M. Pease, Jr.
Marc Y. E. Pelaez
Peter J. Peloquin
Donald W. Peltier, II
Michael A. Perez
Stephen G. Perine
James M. Perkins
Thomas D. Pestorius
Robert E. Petersen
Gordon I. Peterson, Jr.
Robert L. Peterson
Walter H. Peterson
Richard A. D. Petrino
Braden J. Phillips
Everett L. Phillips
Ludwell L. Pickett
Alan R. Pittman
James H. Pletscher
Conrad "A" Plyler, Jr.
Lawrence C. J. Poh, Jr.
Michael R. Polk
Alfred E. Ponessa
Francis X. Poole
Jerry M. Porter
John R. Post, Jr.
Jay M. Potter
Blake "L" Powell
Darrell R. Powell
Edward B. Powell, Jr.
William O. Powell, III
Phillip R. Precht
Thomas N. Presecan
Michael D. Prince
Jeffrey N. Punches
Robert L. Purdy
Kenneth L. Pyle
Kenneth E. Pyrz
Kenneth A. Raglin
Andrew A. Rasmussen
James J. Rather
Kevin J. Reardon
Steven J. Redeker
Christopher J. Reeber
Billy S. Reeves
Frank J. Reh, Jr.
Ronnie C. Reimert
Richard Reinheimer
Ronald V. Ricci
Arleigh H. Rice, Jr.
Vincent R. Rice
Harmond B. Richardson, III
William L. Richardson
John H. Riddle
Stephen H. Ries
William J. Riffer
Dennis Rifkin
Francis C. Riley, Jr.
Michael A. Riley
Ronald A. Rinaldi
Harry T. Rittenour
Dennis A. Rizzardi
Charles D. Robben, Jr.
John R. Robbins
Spencer E. Robbins, III
Gary G. Roberts
Wade H. Roberts, Jr.
William P. Roberts
Gregory H. Ronchetti
John M. Rose
Samuel M. Ross
Dennis J. Rowley
William L. Ruch, III
Barnaby S. Ruhe
Thomas C. Ruland
John E. Russ, III
Michael A. Ruth
Patrick A. Sabadie
Brian L. Sacks
David A. Sager
Fred M. Sallee
Floyd T. Samms, Jr.
David R. Samuelson
Richard R. Sanchez
Gordon T. Sandison
James L. Santee
Michael A. Santoro
Gary T. Satterfield
Frederick R. Sautter, Jr.
William J. Sawyer
Jonathan H. Saxman
James J. Schafer, Jr.
Curtiss W. Schantz, Jr.
Raymond C. Schaubel
Richard B. Schellhaas, Jr.
William W. Scherkenbach
George W. Schmidt
Henry E. Schmidt, Jr.
Daniel H. Schneider
Michael J. Scholtens
Robert A. Schreiber
Robert C. Schweitzer
James A. Schwertman
Joseph P. Sciabarra
Robert M. Scott
William N. Scott, Jr.
William L. Sellers
James E. Serley
Jospeh A. Sfara
Arnold R. Shapack
Robert E. Sholars
Michael J. Showers
Robert W. Sidner, Jr.
Harry A. Siemen, Jr.
Joseph K. Sikes
David F. Simmons
John R. Sinclair
Arnold J. Sisk
Leonard C. Sjostrom
Joe A. Slattery
Michael G. Slattery
Christian G. Slebos
Donald E. Smith
Gordon C. Smith, II
Gordon K. Smith
Jack R. Smith
William H. Smith
William W. Snavely, Jr.
Peter S. Snell
Donald C. Snyder, II
Edward L. Solder
Joseph M. Solymossy
James J. Southerland, III
Warren T. Spaeth, Jr.
Bruce J. Spaulding
Thomas E. Speers, Jr.
Richard P. Spengler
David F. Spooner
Miles M. Staley
Thomas L. Startt
David C. Steere
Robert C. Steffen
Charles D. Stehle
Craig E. Steidle
Eric A. Stein
Gerald E. Stephenson
James M. Steussy
David L. Stevens
William E. Stevens
Daniel W. Still
Robert I. Still
Larry W. Stine
James A. Stinson
William E. Stockslager
Gary A. Storm
John W. Stovall
James P. Studders
Richard O. Stuedemann
Edward J. Sullivan, Jr.
Michael T. Sullivan
William M. Sullivan, III
Edward A. Sundberg
Scott C. Swain
Dale E. Swanson
William M. Sweatt, Jr.
Orval L. Sweeney
Carl J. Tamulevich
Loren L. Taylor
Marcus G. Taylor
Norman R. Taylor
Richard F. Taylor
Thomas A. Teach
Reginald A. Thacker
Richard J. Thibeau
"H" Clay Thomas, III
David M. Thompson
Richard W. Thompson
James W. M. Thomson
Kenneth D. Tillotson
Terry L. Tippett
William B. Tirrell
Michael J. Tkach
Joel E. Tobiason
Michael R. Tollefson
Terry A. Toussaint
Ernest J. Triche, III
William D. Tuck, II
Henry D. Tyler
Theodore M. Ustick, III
Bernard R. Valentine
Neil P. Valleau
Peter J. VanDerlofske
Algimantas Vasiliauskas
John D. Vellis, II
Joseph Verschueren
Terry L. Vial
Richard W. Virtue
James D. vonSuskil
Donald S. Vtipil
Frederick S. Wachowicz
Paul H. Wagner
David W. Wallace
Donald S. Wallace
Ray A. Wallace
Neil P. Walsh
Melville J. Walters, III
Cassius C. Warren, Jr.
Eric L. Washam
William L. Washer
Jerry C. Watson
Harry F. Watts, Jr.
Robert T. Webb
Edward H. Webster
Donald A. Weiss
Thomas B. West
Denis J. Whitco
Charles W. White
Henry F. White, Jr.
Charles R. Wike, Jr.
Ivan L. Williams
Kenneth L. Williams
Nathan C. Williams
Paul R. Willoughby
Michael F. Wilson
Stephen R. Wilson
Thornton W. Wilt, Jr.
Paul B. Wolford
Gregory J. Wood
Scott A. Wood
Donald R. Woodlan
William D. Woodman
Thomas M. Woods, III
Chester M. Wright
Jay L. Wright
Sherman "E" Wright, Jr.
Randall E. Wyatt
Barry L. Yankolonis
Roy A. Yates
Joe A. Ylitalo
Thomas H. Yoder
Joseph H. Zajicek

The following-named Naval Reserve officers to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualifications therefor as provided by law:

Duane G. Amundsen
James C. Britt
James A. Campbell
Marvin A. Childers, III
Mahlon F. Christensen
Harrie R. Clyde
Thomas A. Clark
David L. Cooper
Larry "H" Culp
Franklin S. Danziger
Claude D. Davis, Jr.
Dyce J. Duckworth
Cecil T. Durham, Jr.
David W. Eckert
Lawrence G. Getz
Mayo D. Gilson
Curtis L. Hitt
Stephen T. Hood
James M. Jacquet, Jr.
Michael W. Kimball
Robert L. Louviere
Charles S. McConnel
Ralph J. Mann
Kenneth R. Mattheis
Harry R. Maxon
Tom J. Meek, Jr.
Henry M. Meinecke
Stuart H. Myster
Thomas G. Pautler
Carl J. Pepine
Paul E. Petit
Richard E. Pries
Douglas W. Rainforth
David J. Sire
Hugh J. Talton
Gary S. Taylor
Carl L. Unsicker
Gayle V. Voth
Don A. Wilson

Michael James O'Sullivan, Jr., Naval Reserve officer to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the U.S. Navy, subject to qualifications therefor as provided by law.

The following-named Naval Reserve officers to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the U.S. Navy, subject to qualifications therefor as provided by law:

Oscar N. Guerra
Frank U. Perry

The following-named civilian college

graduates to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the U.S. Navy, subject to qualifications therefor as provided by law:

Michael Gotthardt, Jr.
William L. Willis

The following-named Naval Reserve officers to be permanent lieutenants in the Dental Corps of the U.S. Navy, subject to qualifications therefor as provided by law:

Don M. Barron
Gerald B. Branham

Daniel Kalashian, Naval Reserve Officer's Training Corps candidate, to be a permanent ensign in the line or staff corps of the U.S. Navy, subject to qualifications therefor as provided by law.

Lt. Comdr. Walton E. Yates, USN, to be a permanent chief warrant officer in the U.S. Navy, subject to qualifications therefor as provided by law.

(Navy enlisted scientific education program) candidate to be permanent ensigns in the line of the U.S. Navy, subject to qualifications therefor as provided by law:

Bonnett, David E. — James A. Milam
Edward J. Lynch — Francis L. Sink
Richard L. McCance — Dennis E. Strother

The following-named officers of the Navy are nominated for permanent promotion to the grade of lieutenant as indicated:

LINE

Peter B. Dodge — Andrew M. Kelly
John E. Mander — John L. Vanderslice
Edward W. Morris

MEDICAL CORPS

Walker H. Campbell — George L. Negron
Thomas E. Corley — Donald F. Sprafke
Bruce R. Geer

CHAPLAIN CORPS

Earl L. Boyette — Robert J. Paciocco

DENTAL CORPS

Jerald J. Archer — Milton C. Van Meter, Jr.
John F. Begg
Alan G. Sirmans

NURSE CORPS

Margaret M. Conway — Mary C. Ledgerwood
Kathleen M. Kendall — Laveta F. Link

# EXTENSIONS OF REMARKS

## POLISH NATIONAL HOLIDAY

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 2, 1968*

Mr. CONTE. Mr. Speaker, on May 3, Americans of Polish origin—and, in fact, Poles everywhere—celebrate a national holiday. This is the Polish Third of May Constitution Day.

Ever since President Franklin D. Roosevelt paid tribute to Poland as the inspiration of nations during World War II, this country has annually marked this day as one to honor the proclamation and adoption of Poland's Constitution of 1791.

In the First Congressional District of Massachusetts there are many residents of Polish origin, as there are all across America. May 3 is their day to pay tribute to the Polish nation and to remind themselves and their fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

The importance of the May 3 Polish Constitution lies in the fact that it eliminated in one strike of the pen the fundamental weaknesses of the Polish parliamentary and social systems. It accomplished great social change without a revolution, without a war, and the Polish people have placed this date at the head of their days of national celebration. This in itself is a tribute to the Polish love of freedom and their faith in a better and brighter future.

The philosophy of government which may be seen throughout the Polish Constitution of 1791 is not unlike our own, and it is easy to believe that the American and Polish people have drawn inspiration for their respective constitutions from the same source.

Celebration of this anniversary deepens the faith of every Pole. It reminds them of their great heritage and their destiny in the history of mankind.

In Poland itself the heavy yoke of Communist oppression has removed many Polish traditions, and observance of this day is forbidden.

So it remains for Poles living in the free world—and with them Americans of free spirit—to keep the faith with this noble legacy that speaks with so clear a voice of the moral strength, civic virtue, and wisdom of their forefathers.

This year the anniversary date also marks the 25th year since the tragic death of General Sikorski, free Poland's wartime leader and statesman; and the 70th year since the discovery of radium by Madam Curie, a proud daughter of Poland and one of history's greatest scientists.

The dark clouds that hang over the Polish horizon cannot remain forever. This great country is destined to rise again—just as she did at the end of the last World War.

A line in the Polish national anthem that goes, "Poland is not lost" is the source of inspiration and courage until that day comes.

In the meantime, Poles and Americans must believe that the time is coming in which international justice will come and Poland will return again to the family of nations as a free, independent, and sovereign state.

On May 3, I had the privilege of being honored with an Appreciation Night by the St. Kazimier's Society of Turners Falls, Mass., a Polish-American organization from my congressional district. I include a copy of my remarks to them at this point in the RECORD:

POLISH NATIONAL HOLIDAY

I want to tell you how pleased I am to be here and how proud I am to be honored by you with this "Appreciation Night."

It is a special pleasure for me to be with you tonight on this May, the third, which celebrates the 177th anniversary of the adopting and proclamation of Poland's historic Constitution.

The Constitution, adopted in 1791, has come to be known as one of the most liberal and progressive pieces of legislation adopted in its times. Although the communist government in Poland abolished May 3rd as the national holiday of Poland, it is truly fitting that people of Polish descent all over the world continue to celebrate this day as the true national holiday of their homeland.

This year of 1968 also brings to mind other significant events in the history of Poland. It is the 25th anniversary of the tragic death of General Sikorski, free Poland's wartime leader and statesman. It is the 70th anniversary of the discovery of radium by Madame Curie—one of history's greatest scientists.

It is also the 50th anniversary of the rebirth of the Polish Republic which took place in 1918 after so many years of partition and foreign control.

Free people throughout the world look forward to that day when we will again see such a rebirth. Free people throughout the world anxiously await the day when Poland once more will be a free, an independent and a sovereign state.

The existence and the activities of your organization and similar organizations in this country and abroad do much to perpetuate the spirit and the faith and the hope which are so important for the future of Poland.

The activities of Americans of Polish descent in this country are a source of great pride for our nation and a reflection of the true greatness that is presently shackled by communist domination and control of Poland.

Polish Americans in this country have come to be particularly known for their dedication, their scrupulous integrity and their great capacity for hard work and sustained effort.

I have thus found it especially rewarding to have been able to sponsor many private bills in the House of Representatives in the past ten years which have helped reunite long-separated members of Polish families.

I also took great pleasure in assisting in making funds available to build the American Research Hospital for Children which stands today in Krakow, Poland.

As the ranking Republican member of the Foreign Operations Appropriations Subcommititee, I strongly urged and backed our committee action and the subsequent House action to provide funds for this most worthy project and I was very proud to attend the dedication of the hospital in Krakow in 1965 as a member of the United States Government delegation.

A plaque in the main hospital building reads, "Erected by the American people to promote the welfare and health of the children of Poland and dedicated to the enduring friendship between the peoples of the United States and Poland."

Your people have known generations of oppression in your beloved homeland. But the resolve, the strength, the patriotism and the dedication of the Polish people has always stood face to face and shoulder to shoulder in opposition to such oppression and to imposed domination. These characteristics have brought victory for the people of Poland in the past. They will do so again in the future.

These characteristics have also been superbly demonstrated in our land where Americans of Polish descent starting from the days of the great Revolutionary hero Pulaski have fought valiantly and often given their lives in the defense of freedom and in the service of this nation. From the time of the revolution to today's troubled times, the Polish American traditions have been carried forward with courage, with honor and with love of this country and its political institutions.

In World War II alone, it is estimated that some 900,000 to 1,000,000 Americans of Polish descent saw active duty in our Army, Navy, Marine Corps, and Air Force. Some Polish American families had as many as eleven sons on active duty at the same time during those days. Polish Americans have fought in the Revolutionary War, the Civil War, the Spanish American War, both World Wars, the Korean War and today in Viet-